Governors Messages and Letters

MESSAGES AND PAPERS

OF

JONATHAN JENNINGS
RATLIFF BOON
WILLIAM HENDRICKS

VOL. III

1816-1825

EDITED BY

LOGAN ESAREY

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Preface

The present volume covers the administrations of Jonathan Jennings and William Hendricks, 1816-1825. Each resigned before his term expired in order to represent his state in congress. Each served longer in congress than as governor and each is better known for his national than for his state service. For this reason it has seemed fair to the men to include something of their congressional services.

Indiana like other young western states had many intimate and important relations with the federal government. The citizens owed the federal government several million dollars for land. The land offices were the most important business centers in the state. A large part of the state was occupied by Indians over whom the General Assembly had no control and necessarily had to look to the federal government for relief. By compact the federal government had agreed, on consideration of the state foregoing certain rights of taxation, to help the state build roads. The state had no sufficient circulating medium and consequently had to look to the federal government for assistance. One of the most persistent difficulties of the young state was that of fugitives from justice or slavery crossing the Ohio river and this was controlled by the federal government.

Many difficulties present themselves in an editorial work of this kind. The bare documents would be of little value and less interest to the citizens of the state and of no great usefulness to professional historians generally. Contemporary literature on this period of our history is very scant and available in few places only. For this reason the editor has included a number of documents for their explanatory value. Among these are the annual reports of the state treasurer, bank reports, committee reports on education and roads. Beginning with 1835 the state published the more important reports in the *Documentary Journal* and after that period it will not be necessary to include them in this series.

The documents have been published as found except in clear cases of typographical errors. In only a very few cases have the original manuscripts been found. In the case of proper names the spelling has been carefully preserved as found even though there be a variation in the same document.

As in previous volumes the editor has had the assistance and co-operation of the members of the State Library and the Indiana Historical Commission.

LOGAN ESAREY

Indiana University
January 10, 1924.

Historical Introduction
1800-1825

Territorial Politics 1800 to 1816

The early French inhabitants of Indiana had no conception of our word politics. Their government was administered by the military commandant and the parish priest. If any change in policy were desired, petition or complaint was made to the governor general at Quebec or New Orleans. Most of the settlers at Vincennes and other points were traders of the *coureurs de bois* type whose only interest in government was to keep out of its reach,—willingly foregoing its privileges if they might avoid its burdens and penalties. The first account of an attempt at self government in the region of Indiana is that of Col. John Todd who was sent out by Virginia immediately following Clark's conquest to organize the country northwest of the Ohio into Illinois county. He reached Kaskaskia in May 1779. Under his direction J. M. P. Legras became commandant at Vincennes and Francis Bosseron became president of the council or court.

(The commission of Francis Bosseron "Captain of a Militia Company at Poste Vincennes", issued by George Rogers Clark, bears date August 10, 1778.) These officers, appointed by Clark, administered their offices as the previous commandants had done. Todd soon returned to Kentucky where he was killed by the Indians, leaving most of the power in the county of Illinois in the hands of Clark and Father Pierre Gibault who held his commission from the bishop of Quebec.

There is no evidence of further political activity at the Wabash post, then the only settlement in Indiana, until June 20, 1790 when Winthrop Sargent secretary of the Northwest territory laid off Knox county around Vincennes and proceeded to appoint a complement of local officers. At the head of the new county government was placed Sheriff John Small,

the first politician in Indiana of whom we have a record. However, there were no elections unless the minor officers of the militia were thus selected.[1]

It is significant that the first and last political struggles in Indiana were over the liquor question. When the federal judges of the Northwest territory visited Vincennes they found the principal business an illicit liquor trade with the Indians. Prominently connected with this trade were Henry Vander Burgh and Abner Prior. The former was a county judge and the latter a captain in the army. They were protected or at least unmolested by Sheriff Small and the deputy superintendent of Indian affairs. So well intrenched did the judges find the traders that they were unable to bring the criminals into court or stop the traffic.

Another difficulty of a political nature arose soon after the appearance of the judges. Nearly all the early settlers around Vincennes held slaves. In most cases the slaves were old household servants, of little value, who had been brought in before the Ordinance of 1787. In fact the custom continued down to 1830 or 1840. These slaveholders were not all advocates or believers in African slavery. In a majority of cases the slaves preferred coming with their old masters to being sold into slavery or even being freed and left in slave territory. In spite of the *ex-post-facto* character of their proceedings the judges held that the Ordinance of 1787 at once freed all persons held in slavery in the territory. However the law might have been interpreted by the United States supreme court, the local authorities, upheld by Governor St. Clair and later by Governor Harrison, merely refused to execute the orders of the court. After a severe struggle the judges found themselves helpless and ceased to visit Vincennes or attempt to enforce the law. The reputation of the settlers around Vincennes, thus acquired, lingered long in eastern Indiana among settlers most of whom passed through Cincinnati, the home of some of the judges, and who, as a rule, held radical views on slavery. The judges were Federalists, the Vincennes settlers were not, though they themselves had no notion of party creeds at that time.

The first real election ever held in what is now Indiana oc-

1. The commission of Francis Bosseron "a justice of the peace and of the quorum of our county of Knox", signed by Winthrop Sargent, bears date July 3, 1790. He was sworn into office July 5. The original commission is before me.

curred sometime during the year 1798 at which Sheriff John Small, a farmer, gunsmith and hunter was chosen as Knox county's representative in the first representative assembly northwest of the Ohio river. This assembly met at Cincinnati, February 4, 1799. It was necessary for this assembly to recommend to the President ten men to form a territorial council. As one of these, John Vander Burgh, Small's neighbor and friend, was elected. Later, when the council met, he was chosen president, an honor merited by his former service in the Fifth New York regiment of the Continental Line. Judge Jacob Burnet, a member of the council said of Vander Burgh: "he was an intelligent citizen of Vincennes, engaged in the fur trade. When the Legislative council first met he was chosen their new president, and held that office till he ceased to be a citizen of the Northwest territory by the creation of Indiana territory".[2] Burnet further says there was no politics manifested either in the election or work of that assembly.

A spirited contest arose in the assembly over the election of a territorial delegate to congress. William Henry Harrison defeated Arthur St. Clair, son of the governor, by a vote of twelve to ten. Although the records do not show it, the later friendship between Small and Vander Burgh indicate that they supported the future governor of Indiana. Although no party organization was in existence at the time a clear line of cleavage between Federalists and Republicans was apparent. To the latter class belonged Harrison and the Knox county members. Nevertheless the territorial assembly with only five dissenting votes adopted a complimentary address to John Adams, the President. It was remembered in this address that the firmness of John Adams had prevented the Ohio river from being made the northwest boundary in the treaty of 1783.

This brief experience ended political activity in Indiana till the election of September 11, 1804, when the territory passed to a representative status. Considerable effort has been made to show that Harrison, on coming to Vincennes as governor, became the leader of a pro-slavery party whose purpose was to set aside the Ordinance of 1787 and open the territory to slavery. It is unnecessary and unjust to go to this trouble to explain Harrison's conduct. Even the notorious indentured

2. Jacob Burnet, *Notes on Early Settlement of the Northwest Territory, 296.*

servant law of 1805 is not so bad when viewed from the standpoint of conditions as they then were in Indiana territory. The settlement on the Wabash had never known what a firm government was until the arrival of Harrison. A colored person was safe from kidnappers only when owned by or attached to some respectable citizen able to protect him. The Indian trade was carried on in the most lawless and barefaced way. In breaking up this business Governor Harrison incurred resentments which jeopardized his life every day. Numerous duels and lawsuits are a part of the evidence of this animosity.[3]

The opponents of the governor, the same year in which he took control, 1801, started a movement to establish a territorial government of the second grade with a representative assembly. The governor succeeded in sidetracking this movement but in response to a petition in 1804 ordered an election to determine the will of the people. The proclamation is dated August 4, and the election was held September 11. For some reason very little interest seems to have been manifested. Of the 400 votes cast there was a majority of 138 in the affirmative and Indiana territory became partially self-governing.[4]

The governor set January 3, 1805 as the date for the first election. No details of this election have come down to us further than that the assembly when it convened February 1, set aside the election in St. Clair county because a mob interfered with the polling in that county.[5]

3. December 7, 1808, Dr. Dunlap shot and killed John Rice Jones on the streets of Kaskaskia. See account of a suit of General Harrison against William McIntosh, a Scotch trader, for slander, in Dawson's *Harrison*, 175, in which the governor obtained a verdict for $4,000.00 damages. Humphrey Marshall, the Federalist historian of Kentucky, Vol. II, p. 478, seq. illustrates the opposition Harrison had to meet from his political opponents. For further illustration read *Letters of Decius* published about this time in Louisville.

4. *Executive Journal*, Dec. 5, 1804. The vote was as follows:

St. Clair	22 for	59 against
Randolph	40 for	21 against
Knox	163 for	12 against
Dearborn	0 for	26 against
Clark	35 for	13 against
Wayne	no vote	
Total	260 for	131 against

The returns show a majority of 129 for instead of 138 as given in the *Journal*.

5. The men composing this first House were Jesse B. Thomas of Dearborn, later a United States senator from Illinois; Davis Floyd of Clark, a lawyer later associated with Aaron Burr; Benjamin Parke, later a federal judge for the Indiana district; John Johnson, later a leading member of the constitutional convention of Indiana at Corydon; Dr. George Fisher of Randolph County, Illinois; Shadrack Bond and William Biggs of St. Clair County, Illinois.

There is not sufficient interest to warrant leading the reader through the intricate maze of territorial elections from 1805 to 1816 further than to point out three measures which divided the voters. Not one of these measures was then a party issue in state or national politics.

The most important of these questions was slavery. It seems that there were as many as 500 slaves in what is now Indiana and Illinois at the end of the French *regime,* 1763. This perhaps remained about the number of slaves down till 1800. Most of these were in the Illinois towns and the remainder in and around Vincennes. Almost all the settlers in southwestern Indiana gave little thought to the slavery question. They did not want slaves themselves nor did they object to slavery in the south. Very few of them would have favored opening the state to slavery but they offered little opposition to the indentured servant act by which some of their neighbors sought to retain control of a few household servants which they had brought with them from the south or had owned before the Ordinance of 1787. Most of the pro-slavery activity took the form of petitions to congress of which about one annually was sent to congress during the ten years following the organization of the territory. Failing of their purpose in congress the slave owners sought relief in the indenture law which disgraced the Indiana statutes from 1803 to 1810. At this latter date there were 237 slaves in the territory. With the repeal of the law in 1810 pro-slavery agitation ceased in the territory though as a political bogey it remained till long after the constitution was adopted.

A second question which at least furnished a basis for a political division in territorial times was the organization of the militia. Governor Harrison was superintendent of Indian affairs and as such kept a strict watch on his wards in the northern half of the state. As early as 1806 he realized that a serious war would ensue before the Indian power on the upper Wabash was broken. He was no novice in Indian warfare, having been trained under Anthony Wayne. He was well aware of the effective work the Kentucky militia had done at Fallen Timbers and also of the disgrace they had brought upon themselves under Harmar and St. Clair.

So solicitous was the governor in this matter that he organized the Indiana militia under the law of 1799 (enacted for

the Northwest territory) which required all able-bodied men between the ages of eighteen and forty-five, except preachers, to serve. By 1810 all the settlers along the frontier were aware that an Indian war was impending. The Quakers over on the Whitewater had grave scruples on the subject of warfare at this time and sent two delegates to confer with the governor and the legislature. The Quakers as usual were exempted but the governor did not conceal his contempt for his petitioners. In the face of the experience of the settlers of the west with the Indians this demand by the Quakers seemed to Harrison like shirking danger of battle yet the inclusion of such men in the army would have been unwise. After this there was political hostility between Harrison and his friends and Quakers who entered into politics with a zeal in strange contrast with their lack of military ardor.

A third question was sectional and found expression chiefly on the question of electing a delegate to congress and the location of the capital. From 1809 to 1816 this question was present in every meeting of the assembly. Jonathan Jennings, taking advantage of these conditions, retained the steady support of the anti-slavery, Quaker, and capital-moving votes which made him the most successful politician of the period.

Jennings furthermore sedulously spread the report throughout the eastern part of the state that the Vincennes politicians were aristocrats. As a matter of fact they were far more democratic than the Whitewater settlers, a statement sufficiently evident from the Federalistic tendencies shown by succeeding elections in Franklin, Clark, Jefferson and Wayne counties.[6]

Little more than a decade elapsed, after the fight for a territorial organization of the second grade until Indiana was knocking at the door of the Union.

At the session of the territorial legislature in 1815, a petition was adopted which was presented to congress, December 28, 1815, by Jonathan Jennings, territorial delegate. April 19, 1816 the Enabling act was signed authorizing an election to be held May 13, for the purpose of choosing delegates to a convention to be held at Corydon.[7] The duty of this con-

6. Authorities. Jacob Burnet, *Notes on the Early Settlement of the Northwest Territory;* Smith, *The St. Clair Papers;* J. P. Dunn, *Indiana, Redemption from Slavery;* Charles Kettleborough, *Constitution Making in Indiana, Vol. I;* Logan Esarey, *History of Indiana, Vol. I; Publications of Indiana Historical Society; Vincennes Western Sun; Centinel; American State Papers; Indiana Laws,* and the *Legislative Journals.*

7. *United States Statutes at Large, 1816, Session I, Ch. 57.*

vention was two-fold: To determine whether the territory should ask for statehood, and, if so, to frame a constitution for the prospective state. The apportionment of delegates by the Enabling act was in accordance with the petition of the territorial legislature.[8] There were thirteen counties with a total population of free whites amounting to 63,897.

In point of numbers the territory was well above the sixty-thousand named in the Ordinance of 1787. Yet there was opposition to the assumption of the responsibilities of statehood. A citizen, signing himself "A Republican", in a communication to the *Western Sun*,[9] called upon the "citizens of Indiana to register their protest against the movement for statehood, on account of the increased expense it would entail upon the people". Moses Wiley objected to the proposed method of choosing delegates and in addition raised the slavery issue.[10] Although there were several rival factions in the territory they were substantially agreed that the time was ripe for statehood.[11] As early as July 17, 1812, Waller Taylor, candidate for territorial delegate, had publicly urged the immediate assumption of statehood.

In the selection of delegates to the convention no definite political parties nor political issues appeared. There was really only one political party. Indiana entered the union at the beginning of the era of personal politics. At this time in the west politics was almost entirely local as well as personal. Even the old issues of slavery and aristocracy belonged

8. The apportionment was as follows:

Clark	5	Jefferson	3	Warrick	1
Dearborn	3	Knox	5	Washington	5
Franklin	5	Perry	1	Wayne	4
Gibson	4	Posey	1	**Total**	43
Harrison	5	Switzerland	1		

See *U. S. Statutes at Large, 1816, Session I, Ch. 57.* The usual property qualifications of one year residence and a taxpayer were adopted as qualifications for voting for delegates to the convention.

9. See Charles Kettleborough, *Constitution Making in Indiana*, Vol. I, 67. See also the *Western Sun*, June 23, 1812. Waller Taylor who was a candidate for delegate to congress made the following announcement concerning the policy he would pursue should he be elected:

"With respect to the territory's assuming the State Government my own opinion is that it should be entered into as soon as the people shall think themselves able to support it; however, I shall expect instructions, and those instructions, whatever they may be, coming from the majority of the people or from the legislature, I shall punctually obey."

10. *Western Sun*, Feb. 3, 1816.

11. *Western Sun*, June 1, 1812. "Republican" opposed forming a state government chiefly on account of increase in taxes necessary. He stated that no one was dissatisfied with the territorial government. One might suspect that "Republican" was a territorial officer.

to the era of territorial strife. The slavery question seems to have played a very minor part both in the selection of delegates and in the work of the convention,[12] tradition to the contrary notwithstanding. Any effort to place a pro-slavery clause in the constitution would have been wasted energy, as the Enabling act authorizing Indiana to form a constitution specified "That the Constitution, whenever formed, shall be republican, and not repugnant to those Articles of the Ordinance of 1787 which are declared to be irrevocable". The last request made in the memorial for admission, December 11, 1815, was that the state might be created free. Surely congress which had consistently refused the petitions of Indianians for fifteen years to open the state to slavery would not now be expected to require slavery as a condition of admission over the protest of such a petition.

Necessarily those who make the first constitution of a state are pioneers and few pioneers are men of political experience. The first constitution of a state is very liable to be, then, merely the crystallization of the public sentiment of the time. This was especially true of Indiana. So far as the writer knows no member of the constitutional convention of 1816 had had any political experience worth noting, except the speaker of the convention, Jonathan Jennings, and Benjamin Parke, both of whom had sat in congress as territorial delegates from Indiana. In accounting for their work, then, it is as necessary to understand the political ideas prevalent at the time as to know the personalities of the men. It is merely worth while to say that no one of the members had made an extended study of the science of politics as Madison had done in 1787. The origin of each provision of the constitution is to be found in the political philosophy of the times and the neighboring state constitutions rather than in the thought of any individual. The convention members were as a rule the earliest settlers of their communities but nevertheless a large majority were young men. Most of them had had some experience in office, though the office had usually been a minor one.

As stated above Jonathan Jennings and Benjamin Parke had sat as delegates in congress. William Cotton of Vevay,

12. The Wayne County Quakers sent a memorial to the legislature, praying for the insertion of an anti-slavery clause in the constitution, partly the result of the political prejudice cultivated by Jennings and partly as a means to support their plea to be relieved from military duty by the new constitution, in harmony with their well known principles.

James Scott of Jeffersonville, Daniel C. Lane of Corydon, Patrick Shields of Harrison county, John Badollet and Benjamin Parke of Vincennes, Solomon Manwaring of Lawrenceburg, James Noble and William H. Eads of Brookville, Dann Lynn of Posey county, Charles Polke of Perry county, Daniel Grass of Warrick county, Nathaniel Hunt and Samuel Smock of Madison had each served as local judge, an office comparing with our justice of the peace. James Scott, James Dill and James Noble had been prosecutors. James Lemon of Clarksville, Davis Floyd of Jeffersonville and Robert Hanna of Brookville, had served as sheriffs. At least half the members were justices of the peace at the time. James Lemon, John DePauw of Harrison county, Benjamin Parke, James Noble, Enoch McCarty of Franklin county, Daniel Grass, James Smith, David Robb and Samuel Smock were field officers in the militia and William Polke, Benjamin Parke, Davis Floyd, David Robb and perhaps John Johnson had been on the Tippecanoe campaign. David H. Maxwell of Monroe county was a young physician who had served with the rangers under Dunn, and William Lowe of Monroe was a young attorney. John Johnson of Vincennes had served in the territorial legislature and had assisted John Rice Jones to revise the laws of the territory in 1807. John Badollet was a Swiss companion of Albert Gallatin, secretary of the treasury under Jefferson, who had appointed him register of the land office at Vincennes. Frederick Rapp the adopted son of the founder of New Harmonie had loaned the convention $10,000 to meet its expenses. William Polke, Charles Polke, and Ezra Ferris were Baptist preachers. Hugh Cull had a state-wide reputation as a Methodist preacher, Jeremiah Cox of Richmond was a Quaker. All but Parke, Johnson, and Badollet were farmers, Ezra Ferris was a school teacher, as was also Solomon Manwaring. Joseph Holman served in the War of 1812 while his family lived in his blockhouse where Centerville later stood. Dennis Pennington was a stone mason and had built the house in which the convention met. Benefel, Rappe, and Badollet were Swiss; DePauw was a Frenchman whose father Charles DePauw came over during the Revolution with Lafayette. Lemon, Dill, Shields, Cull, Baird, Devin, and Robb, were Irish. Several were Pennsylvania Dutch, the remainder Scotch and English by blood. All were intensely American. Cotton, Floyd, Johnson and Smith were born in Virginia; Pennington,

Boone, Shields, DePauw, the two Polkes, Noble, Holman, Maxwell, and Lowe were born in Kentucky; Jennings was from Pennsylvania, Parke from New Jersey, Ferris, a Yankee from Connecticut, Cox was from the Quaker district of North Carolina, Cull was born in Maryland, McCarty came from Tennessee, Hanna from South Carolina and Dill and Robb were born in old Ireland where the Shamrock blooms. Not one, of course, was a native Hoosier. In training, tradition, and sentiment they were all typical western folks. Jeremiah Cox was a founder of Richmond; Daniel Grass was the founder of Rockport, John K. Graham surveyed New Albany for the Scribners; Frederick Rapp represented New Harmonie.

It could hardly be said any member of the convention was a public man. Not one of them ever became famous. If one were choosing the first half dozen of our citizens he would not choose a single member of this body. A number of them represented the state in congress, two sat in the United States senate, but it cannot be said that either became known nationally. On the other hand the record does not disclose a single bad man. It is said that each of the forty-three members, when called upon, could preside gracefully over the convention in committee of the whole. There were no recognized leaders and no attempt on the part of any one was made to arrogate leadership to himself. Anyone at all acquainted with such men as Parke, Johnson, Scott, the five preacher members, with Maxwell, Pennington, Cotton, Floyd and their kind, and all were very much alike, would know that no political jockeying or buncombe addresses would be in order.

It was one of the shortest conventions on record, judged from all standpoints. The Enabling act was signed April 19; the members of the convention were elected May 13; they met June 10; the convention adjourned June 29; the constitution was not submitted to the voters for ratification; August 5, a state and county election was held; the first General Assembly convened November 4; the congressmen and senators were present when congress opened December 2, and the state was declared a member of the Union December 9. A strange tradition hangs over the work of this convention, that there was a severe struggle in the Convention to prevent Indiana becoming a slave state. In the first place Indiana like Ohio formed her constitution under the compact theory by which

congress through an Enabling act permitted the state to form a constitution. Neither Kentucky nor Tennessee had Enabling acts since their territory belonged to Virginia and North Carolina and so made their constitutions without congressional restriction. It was specified in this Enabling act for Indiana "That the constitution, whenever formed, shall be republican, and not repugnant to those articles of the Ordinance of 1787 which are declared to be irrevocable". The Ordinance forbade slavery. On the second day of the session the convention decided to accept the proposition of congress and make a constitution. It could not make the constitution and permit slavery. Thirty-four members favored this and eight opposed. Certainly those who opposed, Boone, Hunt, Johnson, Maxwell, William Polke, Robb, Rapp and Smock, did not favor slavery. On the fourth day of the session the president laid before the convention a memorial from the Quakers praying the exclusion of slavery and that Quakers be exempted from military service in times of peace. David Robb, a personal friend of General Harrison, moved to refer the slavery part of the memorial to the committee on general provisions of which he was chairman and the military part to the committee on the military. This was taken by consent. Either the convention and its president were asleep or else were acquainted with the sentiments of Mr. Robb. Otherwise this important question would not thus lightly have been referred to this committee. There is no further notice of this subject until the report of the committee on general provisions was made June 20th, by Dr. David Maxwell. Dr. Maxwell was the only educated man on the committee and doubtless for that reason read the report. There is in the *Journal* no evidence of discussion. On June 24, this provision was taken up in committee of the whole and the indenture clause stricken out and on June 27, the provision was sent to revision (a committee to look after the English) without a division.

So far as can be found there is no indication of any attempt, ever so puny, to put a clause in the constitution permitting slavery. It is very doubtful if there was a single member of the convention who, even if he had favored slavery, would have had the temerity to propose such a thing. Neither were the members rabid anti-slavery men. Dr. Maxwell, who doubtless, wrote the section prohibiting slavery, had been

reared by a Kentucky slave owner and, as a young man, had owned a slave and had brought colored servants with him to Indiana.

The government provided for by this constitution was very simple and inexpensive. In its nature the constitution approached very near to what is thought now to be the best, both in its general form and the principles it embodied. It was a short document confined to general principles rather than to specific directions. It occupies eleven pages as compared with fourteen for our present constitution; or fifteen in that of Iowa in 1846; or eighteen in that of Kansas in 1857; or twelve in that of Kentucky of 1799; or eighteen in that of Kentucky of 1850; and it is less than one fourth the length of the modern state constitution of the Oklahoma type.

The politics of the constitution is a somewhat modified form of Jeffersonian Republicanism. All property qualifications for voting disappear. A larger proportion of the public officers were chosen by popular vote than was usual in the other states. The terms of office were made short and hence elections frequent. The constitution did not provide for a single life office, the judges, holding for seven years, being the longest in tenure. The whole government was brought nearer popular control than had been done up to that time. It was the most democratic government in the world in 1816.

As was the case in all American governments from the Revolution to the Civil War the preponderance of power was in the hands of the legislative bodies. What we have lately discovered and heralded as a great agent of reformation, the short ballot, was substantially provided for. On the state ticket there were only two candidates, governor and lieutenant governor; on the county ticket only two, the sheriff and the coroner, and the latter had no duty except to become sheriff when that officer could not act. In the township the trustee was elected together with whatever number of justices the county commissioners thought necessary. The whole list then of real officers would include the governor, member of the legislature, associate judges or county commissioners, a sheriff and clerk, trustees and justices.

This ancient simplicity did not long survive, however. The first gusts of Jacksonian Democracy were already in the atmosphere. The legislature, as noted above, was given the

whip hand. It elected the state treasurer, state auditor, and secretary of state; it selected the circuit judges and the prosecutors. Its ways and means committee made up the annual budget in a way that would be very interesting to those good people who now want us to readopt that sytsem. It was a good thing then, however it may be now. The supreme judges were appointed by the governor with the consent of the senate.

The executive was very weak until the Democratic governors, James Whitcomb, and Joseph A. Wright, asserted their power. The associate judges or county commissioners ruled the county and township much as the General Assembly ruled the state. They laid off the county into townships, ordered the election of justices and constables, appointed listers to prepare schedules of property for taxation, appointed fence viewers to see that the fences were high enough to prevent cattle from jumping over and close enough to prevent pigs and geese going through the cracks; laid out the road districts, opened roads, built courthouses, whipping posts, pillories, jails, poor houses, pounds and prison bounds and for fear that that was not enough they were authorized by law to transact any other county business not provided for, especially levying county taxes and paying out the money.

Just one more glance at this pioneer government. The pioneers soon developed a remarkable penchant for elections. It was thought during the thirties and forties that more popular elections was the panacea for everything. The constitution of 1850 was framed when this wave was at its height. In the *Revision of 1838* it was provided that the voters of the township elect on the first Monday of April three township trustees, a township treasurer, township clerk, two overseers of the poor, two fence viewers, one road supervisor for each road district, and one constable for each justice. This made a ticket of at least fifteen candidates to be elected every year in the spring.

In the county there were three commissioners to be elected to serve three year terms, but one of them had to be elected each year. This, the county election, was held on the first Monday of August at which annually, representatives to the General Assembly had to be elected, every year one third of the state senators, every third year, a governor; a county clerk and two associate justices every seven years. Finally, on the

first Monday of November every two years a congressman had to be elected and on the same day every four years a President of the United States. Two elections every year and three elections every second year.

JEFFERSONIAN DEMOCRACY

With the adoption of a constitution the issues which had divided Indiana parties in the territorial period disappeared. Under the Federalist *regime* there had been a lack of direct participation in national affairs by the common people. Until 1824 the people of the state voted directly for only one federal official, a congressman. In 1816 the Indiana presidential electors were chosen by the state legislature sitting at Corydon.[1] They were chosen in a similar manner in 1820, the people being entirely unaware of their selection. O. H. Smith, one of the state's most wide-awake politicians said:

"The first notice I had that there had been a presidential election was from an extract in our Connersville newspaper taken from the Corydon paper, giving the names of the electors—and giving the vote of the state for James Monroe and Daniel D. Tompkins."[2] It was not until the election of 1824 that the General Assembly provided by law for the popular election of the presidential electors.[3] Along with this lack of direct participation in national affairs there was a very deep rooted partisanship of the extreme democratic type. This was manifest in an almost insane hatred of Federalists and everything connected therewith. Jefferson spoke of the Federalists as "Anglo-men", intimating an undue attachment to Great Britain, while President Monroe frequently referred to the treason of Federalism. The same thing that had caused Jefferson to apply the above epithet to some of the Federalist

1. The two Houses met together November 14, 1816, and selected Jesse L. Holman of Rising Sun, Thomas H. Blake of Terre Haute and Joseph Bartholomew of Columbus as presidential electors. The first received 36 votes, Blake, 20 and Bartholomew 25. *Senate Journal*, Nov. 14, 1816.

When Indiana's electoral vote for Monroe and Tompkins was offered in congress, it was temporarily rejected on the ground that the formalities of the state's admission were not complete, but this was eventually overruled and the vote counted. See *Niles Register*, II, 409. Rep. Hendricks and Senators Taylor and Noble were received at Washington prior to formal admission, December 11, 1816.

2. O. H. Smith, *Early Indiana Trials and Sketches*, 81.

3. *Revised Statutes*, 1824, 174.

leaders and Monroe to brand their actions as treason was sufficient to cause the western pioneers to despise the name in any manner that it might be applied. One John Allen was fined $1,000 in the Franklin circuit court for calling Joshua Harlan a Federalist, "by the publishing of which false, scandalous and defamatory libel the plaintiff was brought into public disgrace and his neighbors refused to associate with him".[4] It was during this period when the foundation of the Federalist party was crumbling and the Jeffersonian triumph evident, that Indiana was organized. The elections of 1816 and 1820 reflected a spirit of conciliation.[5]

In conformity with the provisions of the constitution, Jonathan Jennings, as president of the convention, issued official notice to the sheriffs of each of the thirteen counties authorizing them to proclaim the first state election to be held on the first Monday in August, 1816.[6] To set in motion the machinery of the new constitution a governor, a lieutenant governor, a congressman and a General Assembly had to be elected. At the same time each county was authorized to elect a sheriff and coroner.

The first General Assembly met at Corydon, November 4, 1816, remaining in session until January 3, 1817. In accordance with the constitutional apportionment, twenty-eight men took their places in the House and ten in the Senate. The election, however, of August 5, 1816, was warmly contested in some parts of the state. The Vincennes *Western Sun*, July 20, has ten columns devoted to letters of candidates. An echo of the old time struggle between the Ohio and the Wabash settlements appeared in the campaign between Jennings and Thomas Posey, former territorial governor, for the governorship of the new state. That this was spirited is shown by

4. In the course of the trial Judge John Test, attorney for the defendant asked Mr. Herndon, leading witness for plaintiff, what he understood by a Federalist. The witness replied that he would rather be called anything under the sun than a Federalist, that a Federalist was a tory, an enemy to his country. That he would consider the terms Federalist and horsethief as equally bad; that he would feel just as safe in the woods with an Indian and his tomahawk as with a Federalist. Twenty-nine other witnesses were ready to testify to Herndon's statements so the defendant was fined $1,000.

5. The *House Journal* for 1816 shows, however, that there was some strife. John Penix contested the election of Jonathan Lindley of Orange County but the case was decided for Lindley November 6. This is one of the first contested elections in our state's history.

6. See Proclamation in *Western Sun*, July 6, 1816. See also in the same issue of the *Sun* the official Knox County election notice issued by Benjamin V. Beckes, sheriff.

the number of votes cast. Jennings received 5,211 to 3,934 for Posey, a total of 9,145 votes out of a possible 12,112 shown in the enumeration less than a year previous. In the race for lieutenant governor only 7,474 votes were cast, of which Christopher Harrison of Salem received 6,570.[7] In the race for congress, William Hendricks, secretary of the constitutional convention, defeated Allen D. Thom, receiver of public money at Jeffersonville, and George R. C. Sullivan, an attorney at Vincennes, by a decisive majority. Sullivan withdrew from the contest two days before the poll in the hope of throwing his support to Thom, but the announcement did not reach most of the counties till after the election.[8]

The contest, based largely upon personal popularity, was marked by open letters, abusing the candidates. Jennings was the common target of the writers; his record as territorial delegate being especially analyzed and questioned.

Three days after the General Assembly convened the two houses met in joint session, canvassed the returns and declared Jonathan Jennings elected governor and Christopher Harrison, a native of Maryland and a man of the Daniel Boone type, lieutenant governor. The constitution had left the organization of the state government very largely in the hands of the General Assembly. The majority of the officers had to be selected by the law-making body. On November 8, the houses again met together and chose James Noble, a native of Kentucky, of Virginia ancestry, as one United States senator, and Waller Taylor, the political enemy of Jennings as the other.[9] Taylor and Noble drew lots for the long and short term, Taylor receiving the short term ending in four years, 1821. November 16, William H. Lilly was elected auditor of state and Daniel C. Lane state treasurer. The opponents of

7. See *House Journal*, I, 1816. The two houses met together Nov. 4, and counted the vote for governor and lieutenant governor: Jonathan Jennings 5,211, Thomas Posey 3,934. For lieutenant governor: Christopher Harrison 6,570, John Vawter 847, Abel Finley 18, John Johnson 14, Davis Floyd 13, Amos Lane 12. Total 7,474. See also *Western Sun*, Aug. 17 and Sept. 7, 1816.

8. *Western Sun*, July 27, 1816. A. D. Thom expressed his opinions to the public by means of a card in which he stated that he was a follower of the administration, not a Federalist.

9. *House and Senate Journals*, 1816. Waller Taylor 20, James Scott 16, Jesse L. Holman 3, Ezra Ferris 2, Davis Floyd 2, Walter Wilson 2, Elias McNamee 1. Seventy-six votes were thus cast, two by each member with 19 necessary to elect. Alexander Holten was defeated for secretary of state by Robert A. New, 23 to 11.

the latter charged that he could see a short rich man over the head of a tall poor man.[10] There was some tendency shown to parcel out the offices among the members but this was soon stopped by a vote of the house which expressed it as the belief of that body that it would be a violation of the constitution to select one of its members to a state office.[11] Robert A. New was chosen as secretary of state. Once more in joint session, December 20, the General Assembly chose Benjamin Parke, judge of the First circuit court, David Raymond, judge of the Second and John Test, of the Third.[12] In addition to the selecting of these officers, the Assembly had to outline and define the work of the offices. More than a third of the members of the constitutional convention helped set in motion the machinery which they had devised. Sixteen of the forty-three members returned to the first session of the General Assembly. At least six more accepted important offices under the constitution. All told the convention members sat for a total of 154 terms, thus making an average of four years service for each member of the convention. These of course controlled the General Assembly. Add to these the members serving on the bench, in the administrative service of the state, and in the federal government and one can readily sympathize with those who cried out against the "office holding aristocracy".

It is said with considerable historical evidence to support the statement that the political affairs of the first ten years of the state's history were almost entirely in the hands of three men, a kind of Hoosier triumvirate. The three leaders were Governor Jonathan Jennings of Clark county, Congressman William Hendricks of Jefferson county and Senator James Noble of Franklin county. Governor Jennings served two terms, the constitutional limit, as governor, and then became congressman, until intemperance drove him from office. Hendricks served six years in congress, the period during which the state had only one congressman, then he exchanged places with Governor Jennings. From the governor's chair he passed into the United States senate where he served until the political tension between Clay and Jackson forced him to

10. O. H. Smith *Early Indiana Trials and Sketches*, 77. For election of these officers see *House Journal*, Nov. 28, 1816.

11. See *House Journal*, 1816, for resolution.

12. See *House and Senate Journals*, Dec. 20, 1816, for vote on circuit court judges.

join one party or retire. He chose the latter. Noble served in the United States senate continuously until his death, February 26, 1831.

This coalition was fully represented in both the convention and the first General Assembly. It was charged that the three men made arrangements annually to divide up the spoils. A mere agreement among themselves was usually sufficient for a division of offices as they wished.[13] Being victorious themselves they attempted to conciliate personal opposition by appointing the leading opponents, Johnson and Taylor, to office.

It seems that Jennings was the master mind of the triumvirate. Like Martin Van Buren "his great forte was in managing the wires that governed popular elections". Being a professional politician he devoted all his time to that occupation. He was as great a letter writer in comparison as Jefferson, whom he imitated. He made long horseback trips over the southern part of the state, electioneering, frequently being absent for a month on one of these journeys. Like the twentieth century politician he made good use of the newspapers, not only writing articles himself but enlisting the editors themselves in his behalf. As the pioneers opposed solicitation for office, his electioneering activities had to be disguised as much as possible. Being an officer he "had business" in all parts of the state and when he "dropped in" at a working, militia muster, circuit court, log-rolling or camp meeting he was invariably "on his way" someplace else. Disguising his motive in this manner he went about repairing or strengthening his political fences. Long heralded as the champion of the anti-slavery struggle, he merely exaggerated the dangers of slavery extension and used it as a club upon his constituents. Although he enjoyed remarkable opportunities his name is associated with no important purpose or achievement. The best that can be said of him is that he was honored by high office.

13. O. H. Smith *Early Trials and Sketches*, 84.

"Affairs of the state were in the hands of three parties or rather one party with three divisions, the Noble, Jennings, Hendricks divisions, which were all fully represented in the convention which framed the Constitution of 1816. In order to avoid friction between them they made arrangements, it was charged, to divide up the spoils. There were three judges to be appointed to the Supreme Court. General Noble selected Jesse S. Holman—a good lawyer and one of the most just and conscientious men I ever knew. Gov. Jennings selected John Johnson, a fine lawyer and an excellent man. Governor Hendricks named James Scott of Clark county, a Pennsylvanian, one of the purest men of the state and a fine lawyer."

Hendricks, the second member of the triumvirate, made use of the newspapers, the congressional frank, letter writing, and personal attention to matters in congress. He was a dependable friend and a faithful public servant. Though of no great ability, as compared with the leaders in congress, he was the ablest of our early statesmen. He had the earnest support of a number of newspapers through his tactful distribution of the publication of local United States laws, a perquisite at that time equal to the present county or state advertising. At the end of each session of congress he wrote up a lengthy review which he published in practically every newspaper of the state. The president's messages, public documents and papers were dispatched to Indiana editors at the earliest possible moment. A hard worker, he gave unstinted attention to public affairs in which his constituents or the state at large were interested.

The third member of the triumvirate, James Noble, never was a candidate before the people. Instead of canvassing the people for office, it was only necessary for him to command a majority of the General Assembly in order to secure an election. His eloquence before juries in the circuit court and his participation in the militia musters, in which he was a general, making an imposing appearance on his fine gray horse, kept him prominently before the people.

It is charged that these three men held caucuses at the state capital every year to repair their political fences, lay their plans and parcel out the offices for the ensuing year.[14] The statement is doubtless too broad but it contains the essential truth of the matter. All were lawyers by profession and it was the custom of the state bar to meet at the capital for the November term of the supreme court, just before the annual meetings of the General Assembly and the national congress. As the majority of both bodies were lawyers, it proved an ideal time for such a caucus.

It was considered bad taste for a candidate to announce himself for office. He was supposed to come out in response to the demand of his friends. It was not uncommon for him to insist that he was not a candidate until fairly forced to it

14. The Corydon *Herald* aroused the ire of the people of Knox county by announcing that a caucus of state officials and others at Corydon had nominated a candidate for congress. There followed a general outburst against caucauses, which hints of the approaching storm of the Jacksonian epoch. See *Western Sun*, March 29, 1917—An article by "Vesuvius".

by his friends. These announcements were usually provided for at this caucus or one held about the close of the session of the General Assembly. A paper in the Whitewater valley for instance would observe that a certain man was being urged to run for the legislature whereupon the candidate's home paper at Corydon or elsewhere would announce that the man was a candidate. Sometimes printed handbills announcing the candidate were distributed from house to house. In the earlier period these announcements were generally very profuse in their praise of the candidate though exceptions were common. For example General Washington Johnson early in July 1817 thus announced himself as a candidate for the legislature:—[15]

"General W. Johnson will serve the citizens of Knox County, if a majority of them by their vote request him; in the next session of the legislature". A month later on the eve of the election he published a more profuse and elaborate declaration.[16]

From the time announcements were made until election day, newspapers were full of long articles, signed by fictitious names, either praising the candidate or making direct personal attacks upon him.

The good campaigner had not only to parry successfully these newspaper attacks but had to combat all kinds of rumors and false reports which were purposely circulated by his opponents. O. H. Smith gives an excellent picture of what campaigning really was if we may take the example of Merritt S. Craig as typical.[17] Mr. Craig was a great electioneerer, and served several terms in the house of representatives. Once, just before election, everything pointed to certain defeat. The last week had come, something must be done or he would be defeated. Craig saw his time. Drinking houses

15. *Western Sun*, July 5, 1817.

16. "CITIZENS OF KNOX

An American, a child of your state and a friend of your rights now offers his service to represent you in the legislature. His qualifications are so well known they need no comment. His principles both religious and political have been tested and passed the Rubicon.

Such a one now solicits your suffrages and if he becomes the object of your choice, promises that he will serve you faithfully and render an account of his conduct.

GENERAL W. JOHNSON.

Vincennes, Aug. 4, 1817".

17. O. H. Smith, *Early Indiana Trials and Sketches*, 131.

were very odious to the people. Stepping into a combination grocery and drinking house, he turned over the counter, broke all the bottles, took the faucet out of the whiskey barrel, threw the grocer out of the door but paid him for his property. The news spread like wildfire over the country. All other stories were forgotten; the act was decidedly popular. Mr. Craig was elected by a larger majority than ever before, although he was not a temperance man.

In the earlier period of our state's history political interest centered about local candidates rather than national ones. The electors—chosen by the legislature in 1816 and 1820—cast the state's vote for James Monroe. Scarcely a comment was heard concerning the electors' choice. The campaign for governor afforded the enthusiasm and excitement which the presidential campaign affords in the twentieth century. None of the local or state offices were very lucrative however.[18]

In the congressional campaign of 1817 William Hendricks who had served as territorial delegate following Jennings was the most conspicuous figure. His opponents, led by the editor of the *Indiana Herald*, attempted by caucus agreement to defeat him.[19] Ex-Governor Posey was his chief opponent.[20] The most violent personal attacks were made upon Hendricks during the entire campaign. Especially vehement were those newspapers which had some personal score to settle as the *Indiana Herald* and the *Western Sun and General Advertiser.* The vote shows the former western element voting for Posey and the eastern and central sections for Hendricks.[21] The latter received a total vote of 5075 to 3272 for Posey.[22] Approximately 12,000 votes were polled in the congressional election of 1818 at which Hendricks was re-elected.[23]

18. *Western Sun,* Dec. 28, 1816, for list of salaries of State offices: governor $1,000; secretary of state $400; auditor of state $400; treasurer of state $400; judges of supreme court $700; judges of circuit court $700; legislature $2.00 per day.

19. Printed in Corydon 1815-1818. Its policy was in opposition to the Jennings régimé, due to its failure to secure the appointment as public printer.

20. *Western Sun,* July 12, 1817. Governor Posey was brought out against his will by the enemies of Hendricks in a futile attempt to defeat him.

21. Knox county gave Posey 346 and Hendricks only 35. Posey county (another Harrison stronghold) gave Posey 453 and Hendricks 121. Franklin county returned Hendricks 1,019 and Posey 48. Wayne county, the Quaker settlement, 961 to 135. Files in Secretary of State's office, Box 153-154.

22. Throughout the central part of the state the voters were fairly evenly divided with the majorities generally favoring Hendricks.

23. *Niles,* 15; 125.

Governor Jennings was the real center of political contention during the first decade of the state's history. Every act of his was subject to adverse criticism. As commissioner, along with Lewis Cass of Michigan and Benjamin Parke, he succeeded in purchasing from the Indians all the land in the central part of the state. His opponents charged that he had violated the clause of the state constitution which forbade any person holding an office of trust under the United States being governor or lieutenant governor.[24]

The General Assembly failed to oust him, though he had clearly violated the letter of the constitution.[25] During this early period officers were watched with a jealous eye, and their constitutional rights frequently called in question. In 1819 Jennings was a candidate to succeed himself as governor. Early in 1819 his sole opponent was Jesse L. Holman, a native of Kentucky and friend of Henry Clay.[26] Holman's candidacy, however, not appearing to be popular, about a month before election, Christopher Harrison, a native of Maryland and the hero of a romantic tradition, became a candidate. By Jennings' enemies Harrison was regarded as a political martyr. He had no chance of success and Jennings defeated him by the overwhelming majority of 9,068 to 2,007 votes. The candidates for lieutenant governor were Ratliff Boone, John DePauw, Dennis Pennington and Marston G. Clark. The two latter soon withdrew from the race. Boone was returned the victor over DePauw by a vote of 7,150 to 3,422.[27] The hatred for Jennings and his followers was so intense in Vincennes that the *Western Sun* continued its abuse long after the election.[28]

The principal reasons for opposing Jennings were that he had opposed General Harrison's calling out the militia in 1811; had advised the Clark county militia not to march; had aided the Canadian refugees to get land in Indiana;[29] had kept

24. *Western Sun*, May 22, 1819.

25. Art. 4, Sec. 5 of constitution of 1816. See also *Niles' Register* 13:199 for appointment of Jennings.

26. *Western Sun*, May 1, 1819. See also the announcements of the candidacy of Dennis Pennington and Marston Clark in the Corydon *Gazette*, July 19, 1819, and June 12, 1819, respectively. Later both withdrew. In his announcement card Clark states that he will insult no one's intelligence by electioneering, "He has no connection with banks and holds no fat offices," etc.

27. *House Journal*, 1819, 26.

28. *House Journal*, 1819, 26.

29. *Western Sun*, July 24, 1819.

Posey from appointing Davis Floyd to office and later did it himself; had appointed Thomas H. Blake judge after the latter had fought a duel; he did not "keep close strings" on the bank; and finally had violated his oath by becoming an officer of the United States. The cause of the old Virginia group of politicians was lost forever with the failure of the people to rally to the standard of Christopher Harrison. The tide of immigration was flowing fast and the majority of the new settlers were locating on the east side of the state. Jennings had been the constant champion of anti-slavery though no one upheld it; the more he was opposed the more popular be became, until intemperance ruined him.

On the basis of the census of 1820 Indiana was divided into three congressional districts.[30]

As the campaign of 1822 drew near Hendricks became the candidate for governor, Jennings having served the constitutional limit. The latter became a candidate for the position held formerly by Hendricks. So completely had Hendricks won the respect and confidence of the people that he was practically unopposed receiving 18,340 votes; excepting a few strays the total vote cast. There were four candidates for lieutenant-governor, Ratliff Boone, William Polke, Erasmus Powell and David H. Maxwell. Boone received 7,809 out of a total of 17,822 votes cast giving him a plurality of almost 3,800 over his nearest competitor, Polke.

The candidates for congress were Judge Charles Dewey and William Prince from the First district; Jonathan Jennings and Davis Floyd from the Second; John Test, Ezra Ferris and S. C. Vance from the Third. The only real contest for congress was between Dewey and Prince in the First district. In spite of the bitter opposition of the *Western Sun*, Prince was victorious.[31] In the Second, Jennings, being free from Knox county, and his old enemies, had little trouble in defeat-

30. The first contained the twenty-one counties of Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Morgan, Orange, Posey, Parke, Perry, Pike, Putnam, Sullivan, Vanderburgh, Vigo, Spencer, Wabash, Warrick: the second, the eleven counties of Bartholomew, Crawford, Clark, Harrison, Jackson, Shelby, Floyd, Jefferson, Jennings, Marion, Scott, Washington and part of Delaware; the third, the eight counties of Dearborn, Fayette, Franklin, Randolph, Ripley, Switzerland, Union, Wayne and part of Delaware. *House Journal, 1822*, p. 22. The division seems unfair.

31. *Western Sun, July 13, 1822.*

ing Floyd, while Judge Test was easily the victor over Ferris and Vance.[32]

During the first five years of its existence the General Assembly consisted of a Senate of ten and a House of twenty-nine. There was very little general legislation, the time being largely taken up with special or local legislation. Impeachments of justices of the peace and divorce bills occupied much of the legislators' time. In one week as many as five divorces were granted by the General Assembly.[33] These were often granted without regard to the merits of the case and usually as a result of log-rolling.

The governor in his message to the General Assembly in 1819 outlined a program of legislation which was later to become the basis of political contention in the state. His program contained seven points:

1. Revenue and taxation
2. Specie payment and banking
3. Internal improvements, canals, and salt wells
4. Public education

32. Files in secretary of state's office, Box 161-162.

Vote for Rep. to 17th Cong. Aug. 5, 1822, Special Election

County	Jonathan Jennings	Davis Floyd	County	Jonathan Jennings	Davis Floyd
Bartholomew	.....	.....	Morgan	125	16
Clark	800	267	Orange	422	95
Crawford	185	82	Owen	61	68
Daviess	268	171	Parke	215	.....
Dearborn	1,006	570	Perry	160	46
Decatur	104	38	Pike	148	29
Dubois	121	31	Posey	307	133
Fayette	558	149	Putnam	81	19
Floyd	321	37	Randolph	107	.....
Franklin	789	350	Ripley	335	35
Gibson	57	344	Rush	.....	.....
Greene	75	70	Scott	204	167
Harrison	724	382	Shelby	192	28
Henry	34	65	Spencer	180	49
Jackson	460	111	Sullivan	288	71
Jefferson	392	739	Switzerland	566	108
Jennings	351	23	Union	286	161
Knox	158	454	Vanderburgh	117	120
Lawrence	384	42	Vigo	412	6
Marion	282	15	Warrick	226	26
Martin	177	13	Washington	824	288
Monroe	296	117	Wayne	724	425

33. *Western Sun, Jan. 19, 1823.*

5. Roads and highways
6. Militia
7. The location of the state capital

By 1824 decided opposition to the triumvirate and the office holding aristocracy had developed. If one examines carefully he may readily see that the offices were monopolized by a small group of politicians. There was a growing conviction among the farmers that a class of professional officeholders was in charge of the state government. The same class of farmers likewise opposed the bank, and the failure of the First State bank strengthened their party materially. By 1824 the old congressional caucus at Washington was regarded with suspicion and hatred by these western Democrats.

The methods of Governor Jennings and his followers were said to be very much like those at Washington. Adams electors were chosen at a political caucus of the office holders in 1824. They were the three judges of the supreme court, the ex-lieutenant governor, and the speaker of the house of representatives, all members of the office holding aristocracy, as was charged at the time. In addition to this dissatisfaction, the question of the relation of a representative to his constituents was widely discussed. The same party that opposed the caucus demanded that the representatives either in congress or the General Assembly should vote as his constituents wished him to, and not as he thought individually. If unable to carry out the will of his supporters the representative should resign. This was called the right of instruction.[34]

Thus the Jeffersonian party was drifting rapidly to destruction. The bank, the caucus, political aristocracy and the election of John Q. Adams all played a large part in the disintegration. Under Jackson the pioneers were to make real the democracy which the Jeffersonians had advocated in theory.

34. The editor of the Vincennes *Centinel*, a government organ remarked editorially: "We do not think highly of this mode of legislation. If members are not fit for their station all the wit of their constituents cannot make them so in so short a time. We might as well send our instruction on pack-horses".

JONATHAN JENNINGS

Jonathan Jennings

Biographical Sketch

Considering how long Jonathan Jennings was in the public service suprisingly little is known of him personally. He was born either in Rockbridge county, Virginia, or in Hunterdon county, New Jersey. His father, Rev. Jacob Jennings, was an itinerant Presbyterian preacher and seems to have resided in both places. When the son Jonathan was quite young, he was born in 1784, the parents settled down in Fayette county, Pennsylvania. Jonathan grew up here, received some education and later attended college at Canonsburg, Pennsylvania.

There is no record of his college life but his letters show that his training must have been meager. After leaving college he studied law and then came west. He may have had kinfolks in the west as a Jonathan Jennings was among the settlers at Boonesborough, Kentucky in 1775 and a Lieut. Jesse Jennings enlisted in the regular army from Kentucky and was stationed at Vincennes in 1811.

Jennings came west by way of Pittsburg and arrived in Jeffersonville in 1806. After spending part of a year in Clark county he went to Vincennes in 1807. He was well received there, was placed on the board of trustees of Vincennes University, given regular employment in the land office by the receiver, Nathaniel Ewing, and employed by the legislature in a secretarial position. For some reason, thought to be due to a misunderstanding concerning University funds, he suddenly quit Vincennes in 1808 and returned to Clark county. He soon married Anna Hay of Charlestown and settled down on a farm close by.

He became a candidate for the territorial delegateship to congress, made vacant by the resignation of Benjamin Parke. He was successful in defeating Thomas Randolph, a lawyer of Vincennes. Both were strangers to nearly all the voters but Jennings had the advantage in location and was a politician of rare ability. The latter made a horseback canvass of the eastern part of the state and established himself so well

in the good opinion of the voters that he held this office until 1816. He seems to have led many voters to believe that there was grave danger on the part of Vincennes politicians of establishing slavery in the territory. Of more service politically perhaps was the fight over the relocation of the capital.

Jennings attended faithfully to all business entrusted to him while a delegate but seems to have had little influence in congress. In 1814 he defeated Judge Elijah Sparks of Lawrenceburg. In 1816 Clark county sent him to the Constitutional convention at Corydon as one of its delegates. The convention elected him its president. In the summer of 1816 he defeated Gov. Thomas Posey for the first governorship of the state. Posey had been in the state only two or three years and made a poor showing at the polls. Jennings was elected by a vote of 5211 to 3934 for Posey.

After serving the constitutional limit of two terms Jennings again entered the congressional field and was successful in the four following elections. He served in congress from 1823 to 1831. He gradually gave way to his appetite for liquor and by 1830 was unfitted for public service. Meanwhile he had neglected his private affairs and was hopelessly in debt. He would have lost his home and died a pauper had it not been for the generosity of friends. Chief among these were John Tipton, J. F. D. Lanier and Charles Dewey.

Jennings died July 26, 1834, only fifty years of age. He had been in public life continuously since 1809, a period of 25 years. His neighbors buried him at Charlestown. The state Assembly of 1892 had a small monument erected over his hitherto unmarked grave.

As a politician Jennings possessed remarkable ability. His popularity was achieved single-handed and without material means. As a statesman he was of modest worth. He doubtless served to the extent of his capacity but that was not great. On the important questions that arose during his time he took no decisive stand. The new state which he helped to organize shows little evidence of his craftsmanship. His name is connected with no great measure or institution that has come down to us. He forfeited the good will of his neighbors by his intemperance and insolvency. Fortune was kinder to him living than dead. He has no written biography worthy of the name.

JENNINGS TO CITIZENS OF INDIANA TERRITORY

WASHINGTON-CITY, 11th April, 1814

Vincennes Western Sun

FELLOW CITIZENS of Indiana,

After a long, and to me an unexpected absence from the territory, the time is drawing very near when I shall again return. The extra session of congress of last May, the death of my heretofore only surviving parent, and the sickness of my family, conspired to render my earlier return impracticable without a sacrifice on my part, which your interests did not require, and which I am confident you would not have demanded.

During the late extra session of congress, scarcely any business was transacted, but the system of taxation which is now in operation. Since the commencement of the war, I have found it much more difficult to transact the business of the territory, than it was formerly. Besides the usual subjects of legislation, the pressure of public measures necessarily dependant upon a state of war, have had their effect. To preclude in a great measure the ordinary opportunity of war we must calculate on privations, and like others we should learn to bear them.

The defence of the frontier of our territory has not been neglected. With much satisfaction, I have learned that the rangers as far as could have been reasonably expected, have guarded the frontier inhabitants from the merciless attacks of the savages. They will be continued in service as long as their services will be necessary, and for this purpose a law has passed during the present session.[1]

A law has passed giving a further time to those purchasers of public lands who purchased prior to the 1st day of April,

1. Approved Feb. 24, 1814. It merely continued the term of service one year.

1810, to complete their payments. This law has been published some time since and therefore renders any particular description of it unnecessary.[2] An act has passed the house of representatives authorizing a subdivision of the quarter sections of the public lands. If this act shall pass the senate and I expect it will, the poor man will be enabled, as well as the rich, to procure a piece of land without the hazard of losing both his money and his labor by a forfeiture to the U. States. It will enable the industrious man to secure to himself and those dependant upon him the sure and comfortable means of subsistance.[3]

The committee to whom was referred the resolution and remonstrance of the legislative council of the territory against the redivision of the territory into districts for the election of the members of the council, were unanimously of opinion, that, however equitable their division may have been, the law in force did not authorise it. It was then thought most expedient to authorise the house of representatives of the territorial legislature to lay off the territory into districts for the election of the members of the legislative council.[4]

Congress refused to pass the bill requiring the judges of the general court to perform the duties assigned them by the late organisation of the judicial system of the territory. I made use of considerable exertion to prove the ill effects which would arise if the bill should be rejected, and the beneficial effects that would flow from its passage into a law; but the opposition that was made to it, on the ground, as was alledged, of the act of the territory being unconstitutional, defeated it by a large majority.[5]

An act has passed the house of representatives and is now before the senate for their concurrence, making provision for paying for those horses that were rendered useless in consequence of wounds received in the battle of Tippecanoe.[6] The paymaster general of the U. S. has directed capt. [Ambrose]

2. Approved Feb. 19, 1814. Under certain restrictions it gave all small purchasers in Indiana since April 1, 1809, an extension of three years in which to pay.

3. This was indefinitely postponed in the senate.

4. By act of March 4, 1814, the division made by Governor Harrison was approved and power given the legislature to redistrict the territory in the future. The purpose of the movement was to dissolve the assembly then sitting and elect a new one on an apportionment suggested in the petition.

5. The law of the territory here referred to as unconstitutional set out the duties of federal judges. The judges in the territory had previously refused to obey this law.

6. This bill was lost in the senate, though a similar bill providing for payment for teams and wagons lost by Hull at Detroit passed, August 2, 1813.

Whitlock,[7] now of Vincennes, to pay the companies of rangers lately commanded by capts. [William] Hargrove and [Craven] Peyton, as well as the militia who have been called into the service of the U. States in our territory, for the protection of its frontier.

The bill to provide for the more effectual protection of the frontier by giving a tract of land to every actual settler, and the bill giving the right of pre-emption to certain settlers who have made improvements and settled thereon, have not yet been finally acted upon in the house of representatives.

So soon as the present contracts for carrying the mail in our territory shall expire, which will take place the latter part of next summer or autumn, a more convenient and satisfactory arrangement to citizens generally will be adopted by the post-master general.

The political state of Europe has latterly undergone a material change, which has had its effect in producing in this country, a change of public measures. The embargo together with the restrictive measures connected with it, will be repealed before the close of the present session. With regard to the probable duration of the war, various opinions are entertained. Let it terminate when it may, it has produced evidence conclusive, that the American tars have nobly sustained their character, and stand unrivalled in the annals of the world. Altho' our warlike events on the land have not been so entirely glorious as those on the ocean, yet we have seen recorded displays of valor, and they not unfrequent, which were never surpassed in the days of modern warfare.—Witness the battle on the river Raisin, and the defence of Sandusky under the command of Col. [George] Croghan; the battle of the Thames and heights of Queenston.

I had intended to decline being a candidate at the ensuing congressional election. I even went so far as to tell some of my friends, confidentially, that I wished to decline, and no doubt some have calculated on it. It was my intention, and I certainly should have declined, if most substantial friends in different parts of the territory had not urged me again to become a candidate.[8] Since I have been honored with your confidence and the discharge of a trust so important, my first

7. A brief sketch of Ambrose Whitlock is given in *Harrison Papers*. Hereafter where an individual is not identified see index to preceding volumes.

8. For letters of his own urging his own candidacy see *Harrison Papers*, I, 501; II, 28 and 29.

object has invariable been, to render you every service in my power. So far as I may have acquired any experience in public business that experience has been entirely devoted to your advantage. To expect to please every person would be vain. In common with all mankind we are subject to errors and prejudices, and it therefore does not become any man to claim perfection to himself, or expect it at the hands of any other. So far as my present views are connected with public life, they have for their object the welfare of our territory more particularly; and the promotion of virtuous men.

Fellow citizens, it is worthy of our attention and it should be our study, to despence with every prejudice possibley and unite in forming for ourselves a character on liberal and virtuous principles which will insure our future happiness and prosperity. A different course must necessarilly produce confusion and discontent at home, and eventually deprive us in a great measure of the confidence of the general government.

With regard to the ensuing election I feel but little anxiety, except what may arise from the possibility of losing your good opinion, in consequence of incorrect impressions and statements unfounded in truth, which have been industriously made, during my long absence. Whatever may be the result of the ensuing election, I shall never cease to remember with fond recollection the frankness and sincerity which I have experienced at the hands of so many of my fellow citizens and they may rest assured that my best efforts shall never be withheld when their interest, or the interest of the territory, shall demand their exertion.

With sentiments of unfeigned respect, I subscribe myself yours very obediently,

JONATHAN JENNINGS

REGULAR MESSAGE

November 7, 1816

Senate Journal, 1816, 8

GENTLEMEN OF THE SENATE, AND HOUSE OF REPRESENTATIVES:[1]

The period has arrived which has devolved on you the important duty of giving the first impulse to the government of the state. The result of your deliberations will be considered as indicative of its future character, as well as of the future

happiness and prosperity of its citizens. The reputation of the state, as well as its highest interest, will require that a just and generous policy toward the general government and a due regard to the rights of its members respectively, should invariably have their proper influence.

In the commencement of the state government the shackles of the colonial should be forgotten, in your united exertions to prove by happy experience that an uniform adherence to the first principles of our government, and a virtuous exercise

1. List of senators and representatives for the year 1816:

SENATORS

NAMES	COUNTIES
Baird, Patrick	Wayne
Beggs, James	Clark
Conner, John	Franklin
DePauw, John	Washington, Orange and Jackson
Ferris, Ezra	Dearborn
Grass, Daniel	Posey, Perry and Warrick
Paul, John	Jefferson and Switzerland
Pennington, Dennis	Harrison
Polke, William	Knox
Prince, William	Gibson

REPRESENTATIVES

NAMES	COUNTIES
Alexander, Samuel	Jefferson
Blackford, Isaac	Knox
Boone, John	Harrison
Boon, Ratliff	Warrick
Brownlee, James	Franklin
Carr, Thomas	Clark
Connor, Samuel	Perry
Dumont, John	Switzerland
Dunn, Williamson	Jefferson
Ferguson, Benjamin	Clark
Floyd, Davis	Harrison
Graham, John K.	Washington
Graham, William	Jackson
Hogan, Edmund	Gibson
Holman, Joseph	Wayne
Johnson, John	Gibson
Lane, Amos	Dearborn
Little, Alexander	Washington
Lindley, Jonathan	Orange
Lynn, Dan	Spencer
Mills, Henry I.	Knox
Milroy, Samuel	Washington
Mount, David	Franklin
Murdock, George L.	Franklin
Noble, James	Franklin
Overman, Ephraim	Wayne
Powell, Erasmus	Dearborn
Scott, John	Wayne
Wilson, Walter	Knox
Zenor, Jacob	Harrison

of its powers, will best secure efficiency to its measures and stability to its character. Without a frequent recurrence to those principles, the administration of the government will imperceptibly become more and more arduous, until the simplicity of our republican institutions may materially be lost in dangerous expedients and political design.

Under every free government, the happiness of the citizens must be identified with their morals, and while a constitutional exercise of their rights shall continue to have its due weight in the discharge of the duties required of the constituted authorities of the state, too much attention cannot be bestowed on the encouragement and promotion of every moral virtue, and on the enactment of laws calculated to restrain the vicious, and prescribe punishment for every crime commensurate to its enormity. In measuring, however, to each crime its adequate punishment, it will be well to recollect that the certainty of punishment has generally the surest effect to prevent crime, while punishments unnecessarily severe too often produce the acquittal of the guilty and disappoint one of the greatest objects of legislation and good government.

To enforce as far as practicable a more rigid discharge of the duties of justices of the peace, in relation to the petty crimes which may be placed within their jurisdiction, might be productive of salutary consequences. To annex penalties to crimes, if the perpetration of them shall be suffered knowingly to pass unheeded by those whose duty it may be to guard against the violation of the laws with impunity, will to a very considerable degree result in a relaxation of morals, a consequent disregard to the laws, and a measurable contempt of the officers who may be appointed to administer them.

The dissemination of useful knowledge will be indispensably necessary as a support to morals and as a restraint to vice, and on this subject it will only be necessary to direct your attention to the plan of education as prescribed by the constitution.

In recommending a revision of the statute laws now in force, it can scarcely be necessary to offer any reasons for the measure other than the obscurity which pervades them, and the amendments which they must necessarily undergo to adapt them to the present form of government.

The organization of the judiciary of the state, as provided for by the constitution, with adequate salaries to its officers, on a plan calculated to render the administration of justice

free from any unnecessary expense or delay, will engage your most serious attention.

The incorporation of the banks now in operation within the limits of the state as state banks, if desirable on the part of those institutions, may be found less difficult at present than at any future period.

To provide ways and means for the current year, including the demands on the state created by the late convention, will no doubt engage your particular attention. It is not to be expected that the annual revenue of the state, especially for the present year, will be equal to its annual expenditure without resorting to taxes too heavy for the existing circumstances of the country. An adequate loan, therefore, is recommended, if it can be obtained on suitable terms, to supply such deficit of the revenue, in preference to an emission of treasury bills, inasmuch as interest will also accrue thereon, and be liable to counterfeiting and other improper practices. Under this view of the subject, it will be proper to liquidate and cancel the demands existing upon the former government under the character of territorial warrants. A state debt, although it may be found unavoidable for a time, may with facility be reimbursed hereafter, without additional taxes, when the subjects of taxation shall continue to increase in proportion to the increased purchases of the lands of the United States, and when other sources of revenue, to arise from the grants made to this state, can be resorted to and realized.

I recommend to your consideration the propriety of providing by law to prevent more effectually any unlawful attempts to seize and carry into bondage persons of colour, legally entitled to their freedom, and at the same time as far as practicable to prevent those who rightfully owe service to the citizens of any other state or territory, from seeking within the limits of this state a refuge from the possession of their lawful owners. Such a measure will tend to secure those who are free from any unlawful attempts and secure the rights of the citizens of other states and territories, as far as ought reasonably to be expected.

With a full confidence that your legislative duties will be characterized by a strict regard to the constitutional rights of the citizens, the rising prosperity and importance of the state, my cordial coöperation will be cheerfully afforded.

JONATHAN JENNINGS

SPECIAL MESSAGE: TRANSMITTING DOCUMENTS

November 11, 1816

Senate Journal, Nov. 11, 1816.

The governor transmitted for the use of the senate a copy of the laws of Delaware.

Also in obedience to a resolution of the late [Constitutional] convention he deposited one of the original copies of the constitution and the ordinance adopted and signed by that body.[1]

JONATHAN JENNINGS

SPECIAL MESSAGE: NOMINATING MEMBERS OF THE FIRST SUPREME COURT

CORYDON, December 21 1816

Senate Journal, Dec. 21, 1816

THE PRESIDENT AND SENATE OF INDIANA:

I nominate John Johnson,[1] James Scott,[2] and Jess L. Holeman,[3] Esqs., as suitable persons by and with the advice and consent of the Senate to be appointed Supreme Judges of the State.

I am very respectfully,

JONATHAN JENNINGS

1. It was largely for the preservation of these documents that the State Law library was organized at Corydon about this time. Many of these books are still in the State Law library at Indianapolis.

1. John Johnson was a native of Kentucky; when or where he was born is at present uncertain. He appeared in Indiana as early as 1804, when Governor Harrison and General W. Johnston signed a bail bond for two negroes named George and Peggy at Vincennes. He took an active part in the election of 1804, favoring the territory passing to the second grade. In this he was associated with Benjamin Parke, Governor Harrison, John Rice Jones, Francis Vigo, Henry Hurst and General W. Johnston. In 1805 he was a member of the territorial legislature and as such joined in the petition to congress to abrogate a part of the Ordinance of 1787 for a short time so that slaves might be brought into the terriory. This same legislaure, at its session in 1806, directed two of its members, John Rice Jones and John Johnson, to revise and codify the laws. The *Revision* usually goes by the name of the *Rice Jones Revision* though of course it is impossible at this day to tell which took the leading part in the work. In 1809 Johnson was again a candidate for the territorial house of representatives. He received more votes than any other candidate, of whom there were five, two only to be elected. He received two hundred ond three votes. In this same year he made the race for congress, mentioned above, against Jonathan Jennings and Thomas Randolph, in which he received eighty-one votes out of nine hundred and eleven. This seems to have cooled his political ardor for a while. In 1816 he was a delegate from Knox county to the Constitutional convention. This same year he was appointed on the supreme bench. Early the following year he died at his home in Knox county. Such are the meager facts known of him. His contemporaries speak highly of his character. He had no chance to show his ability in the new position, since he died (~~September 18~~, 1817) during the first vacation, before a single opinion of any importance was prepared.

PROCLAMATION: THE BANK OF VINCENNES MADE THE STATE BANK

CORYDON, March 8, 1817

Vincennes Western Sun, March 22, 1817

JONATHAN JENNINGS, *Governor and Commander-in-Chief of the State of Indiana*

TO ALL AND SINGULAR, TO WHOM THESE PRESENTS SHALL COME,

GREETING:

Whereas, in pursuance of a resolution of the President and Directors of the Bank of Vincennes, of the 4th instant, the

2. James Scott was residing in Clark county as early as 1810. On December 14, of that year, he was appointed prosecutor of the county by Governor Harrison. On June 14, 1813, he was commissioned a chancery judge in a chancery court, presumably for Clark county, though it is not stated what county it was for. At this time he was a representative; but following his resignation a special election was held August 2 to fill the vacancy. On November 6, 1813, the governor directed him and Waller Taylor to hold *Oyer and Terminer* on November 15 to try Hugh Espy for horse stealing and Richard Aston and Josiah Taylor for arson. The docket for this trial is still preserved in Jeffersonville. His next public service was in the Constitutional convention, 1816, where on the judiciary committee, he helped form the constitution of the state. He served on the supreme bench from December 28, 1816, till January 28, 1831, when his second term expired.

Senator O. H. Smith, who knew him well, says he was a Pennsylvanian, one of the most upright men, a good scholar, and a fine lawyer. He held him in high regard, rating his opinion on the bench second to none.

3. The third member of the first court was Jesse L. Holman. He was a native of Kentucky, having been born in Danville in 1784. Marauding bands of Indians were common in Kentucky at this time. At the hands of one of these the father of Mr. Holman was killed. The widow was able to give her son a good common-school education. He was well enough prepared to be able to teach school or preach. These professions seem not to have been satisfactory, so he read law in the office of Henry Clay at Lexington. He evidently came into possession of a considerable estate soon after he became of age. Slavery was distasteful to him and he brought his slaves with him to Indiana, thereby liberating them.

Just when he came to Indiana does not appear, but it is thought to have been in 1810, when he was twenty-six years old. On May 28, 1811, he was appointed prosecutor of Dearborn county in the place of Gen. James Dill, of Lawrenceburg. His home was near Aurora, on the banks of the river. In 1814 he was elected a representative, resigning the same year to accept an appointment as judge of the Second district of the territory. He sat on the supreme bench from 1816 to 1831. In this same year he was an unsuccessful candidate for the United States senate to succeed his old friend, Gen. James Noble, who died that year in Washington. John Tipton defeated him by a single vote. Until 1835 he held no office. At that time he succeeded Benjamin Parke as district judge of the United States court, appointed by Andrew Jackson. This office he held till his death, March 28, 1842.

As judge of the state supreme court he can hardly be said to rank with our leading jurists. Smith says he was a good lawyer and one of the most conscientious men he ever knew. Like all the early lawyers and judges of Indiana, he was an all-round man. In religion he was a Baptist, serving as pastor of the Aurora Baptist church during most of his life. He not only preached without a salary, but did more than any one else to support the church. Being a proprietor of Aurora, he naturally took a deep interest in its welfare. As a member of its boards of visitors or of the board of trustees for twenty years, he naturally took a deep interest in the welfare of Indiana university. His son, William S. Holman, served his state in congress many years.

assent in writing of the corporation aforesaid has been officially received accepting the modification proposed to the charter of said bank by an act of the General Assembly entitled "An act adopting the Bank of Vincennes as the State Bank of Indiana, and for other purposes," and which, together with other official documents connected herewith, have been recorded in the office of State, in conformity to the provisions of the act aforesaid:

Now therefore be it known, that I, JONATHAN JENNINGS, *Governor of the State of Indiana,* having seen and inspected the said documents, have declared, and do by these presents declare, the said Bank of Vincennes to be adopted as the State Bank of Indiana.[1]

In testimony whereof I have hereunto set my hand and private seal, this 8th day of March, in the year of our Lord one thousand eight hundred and seventeen, the first year of the State, and of the independence of the United States the forty-first.

JONATHAN JENNINGS

By the Governor:
R. A. NEW, *Secretary*

ANNUAL MESSAGE

CORYDON, December 2, 1817

Senate Journal, 1817, 6-9
Vincennes Western Sun, Dec. 13, 1817

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES[1]

Since the close of the last session of the legislature it is pleasing to announce that no untoward events affecting the interest or prosperity of this state have transpired. Notwithstanding, there are several subjects deserving your attention and incumbent on me to present for your consideration.

The statute laws of the state have become so obscure, from the multiplied amendatory and supplemental acts, that to ascertain the duties of the citizens, as well as of public functionaries, is rendered difficult, and particularly so to the former. It is believed, after performing the duties which the

1. For a detailed history of this bank and its branches and the Farmers and Mechanics' Bank at Madison see Logan Esarey, *Early Banks and Banking in Indiana.*

common avocations of life demand, but little time will be allowed for the greater portion of the citizens to inform themselves of the mandates of our statutory laws, involved in all their present uncertainty. It is submitted to the legislature to determine whether, as a mode the least expensive, the selection of suitable characters to whom the revision of the laws shall be confided be the most eligible,—subject nevertheless to your rejection, in whole or in part, at the next meeting of the General Assembly.[2] The revision of our penal code demands the attention of the present session. To ensure the punishment of crime, the penal laws should be tempered with a degree of mildness becoming the nature of our government and the feelings of its citizens.[3]

The revision of the militia law will claim your early attention, without which the organization of the militia cannot be completed; and connected with this subject, an additional sal-

1. The members of the Second General Assembly were:

REPRESENTATIVES

County	Names
Wayne	Joseph Holman, Robert Hill and John Scott
Franklin	Stephen C. Stevens, John Bryson and James Snowden
Dearborn	Amos Lane
Switzerland	Ralph Cotton
Jefferson	William Dunn and Nathanial Hunt
Clark	Benjamin Ferguson, Thomas Carr and Charles Beggs
Washington	Samuel Milroy and Alexander Little
Jackson	William Graham
Orange	Samuel Chambers
Harrison	Jacob Zenor, James B. Slaughter and William D. Littell
Knox	George R. C. Sullivan, Robert Buntin and John McClure
Gibson	Richard Daniel and James Campbell
Warrick	Ratliff Boone
Posey	Dann Lynn
Perry	Samuel Conner

H-J—1817, 33-34

These lists are taken from the official reports of the committees on credentials and checked by the records.

SENATE

Counties	Name
Knox, Sullivan and Daviess	William Polke
Perry, Warrick and Posey	Daniel Grass
Harrison	Dennis Pennington
Jefferson and Switzerland	John Paul
Dearborn	Ezra Ferris
Franklin	John Conner
Gibson and Pike	Isaac Montgomery
Washington, Orange and Jackson	John Depauw
Wayne	Patrick Baird
Clark	James Beggs

S-J—1817, 3

2. An attempt at revision had been made the previous session but nothing accomplished. In 1818 an act directed a revision but nothing was done till 1823.

3. The best discussion of the early criminal laws of Indiana is by Judge David D. Banta, *Indiana Magazine of History, IX, 234-246.* A criminal code of 73 sections was enacted at this term. *Laws of Indiana, 1817, 75.*

ary to the adjutant general is recommended, whose services and responsibility render it advisable.

The imperfect assessment of the taxes for the present year, produced perhaps in consequence of the late period at which the laws of the last session were promulgated, may render it necessary to resort to a moderate loan; on condition that it may be required to meet the demands, hereafter to be created, on the treasury.

A further examination into the accounts of the late territory is recommended, as it has been found that the demands on the state, under the character of territorial warrants, which have been liquidated, far exceed in their amount the calculation by a committee of the house of representatives, at their last session. Although it is desirable to have the demands which exist against the state, under the character of territorial warrants, liquidated as soon as possible, it is left to your deliberation to determine whether it will be more expedient to allow a further time for the adjustment of those demands that are yet outstanding, rather than to legislate specially on those claims whensoever they may be presented for your consideration.[4]

The right of trial by jury forms one of the fundamental principles of our government, and an impartial and unbiassed mode of summoning and empanneling juries, so far as it is possible to be attained, will tend to secure impartiality and a proper confidence in the administration of justice throughout the state. A radical change, therefore, in this part of our jurisprudence, connected with an extension of the jurisdiction of magistrates in criminal cases, is recommended. It is believed by authorizing magistrates in criminal cases to cause juries to be empanneled, and the offenders in petit misdemeanors to be brought to speedy trial, the punishment of such crimes will be rendered more certain, attended with less expense, and expedite the administration of justice in the circuit courts.[5]

Resolutions have been transmitted to me from the governors of the states of New Jersey and Connecticut, in behalf of the legislatures of those states, proposing an amendment of the constitution of the United States relative to the mode of elect-

4. The report of the treasurer of state is given below under date of Dec. 8, 1817.

5. Statutes organizing the supreme, circuit and justices' courts were enacted at this session. These remained substantially in force till 1851. See chapter I, II, III, IV, VIII, XII, XIII, *Laws of Indiana, 1817*.

ing representatives to congress, and electors of President and Vice President of the United States;[6] and from the governor of Kentucky resolutions proposing likewise an amendment to the federal constitution in relation to varying the compensation of the members of the congress of the United States. I have received, also, a communication from his excellency Governor [DeWitt] Clinton, president of the board of canal commissioners [*of New York*], accompanied by documents relative to the contemplated navigable communication between the great western and northwestern lakes and the Atlantic ocean; a resolution from the governor of Pennsylvania, appointing a commissioner on the part of that state to meet such commissioners as may have been or shall be appointed on behalf of the states of Ohio, Virginia, Kentucky, and Indiana, or either of them, to examine the obstructions in the Ohio river, and estimate the probable expense that would attend their removal; each of which will be submitted for your consideration.[7] The removal of the obstructions in the navigation of the Ohio river at the falls, by opening a canal, has become an object of great importance, particularly to this state, as the most certain means of securing an uninterrupted transportation of the vast and increasing commerce embarked on its waters. The act of the last session incorporating a canal company for the accomplishment of this great object, has been found insufficient and not so liberal in its provisions as to ensure the attention of capitalists, even of those who are directly interested in its execution; and it will be with you to determine whether it shall undergo the necessary alterations, or whether this first effort of the state for internal improvement shall fail for want of public patronage.[8]

6. An act defining the method of electing U. S. senators and representatives was passed January 3, 1818—senators by joint ballot of the General Assembly and representatives by popular election on the first Monday of August of even years, beginning 1818.

7. These were submitted Dec. 3 but have not been found.

8. For an account of this proposed canal see Esarey, *Internal Improvements in Early Indiana, 65 seq.*

The following letter from the files in the secretary of state's office indicates that the governor was making an effort to interest capital in the canal.

LOUISVILLE BRANCH BANK, Jan. 4, 1817.

SIR;

Your letter of the 19th Ult. addressed to the president and directors of this institution has been received and under consideration. They have instructed me to inform you that with their present limited capital it is out of their power to enter into negotiations proposed with you.

Very &&&

JOHN BUSTARD, *Cashier.*

The commencement of a State library forms a subject of too much interest not to meet your attention. I recommend to your consideration the propriety of requiring by law a *per centum* on the proceeds of the sales of town lots to be paid for the support of schools and establishment of libraries therein, as well as a like *per centum* on the sales of any additional lots which may be added to any town plat, whether a county seat or otherwise.

The establishment of a system of common schools throughout the inhabited portion of our state will meet that consideration which its importance dictates. The operation of such a system, so arranged as to afford the means to every description of our citizens to educate their children, will secure the morals of the rising generation, the better prepare them for the discharge of their several and respective duties, and to estimate the value of our free institutions—the surest guarantees of that love of country so essential to the permanence of our form of government.

Permit me again to introduce to your attention the subject of slaves escaping into this state, and to suggest the propriety of making further provision by law calculated to restrain them from fleeing to this state to avoid their lawful owners, and to enable the judges of the circuit courts, or any judge of the supreme court, in vacation, to decide with the aid of a jury upon all claims of this character, without delay. This subject in the adjoining state of Kentucky has produced some excitement in the citizens, and an interference on the part of their legislature. To preserve harmony between our state and every other, so far as may depend on our exertions, is a duty the discharge of which is intimately connected with our best interest as a state, and solemnly required of Indiana as a member of the Union.[9]

Whilst on our own part we endeavor to promote the happiness of those foreign to this state, it will also be our duty to cultivate harmony and concord among our own citizens, so necessary to secure private happiness or public prosperity; and for the accomplishment of objects so desirable it behooves us to seek, with a becoming confidence, the blessings of the

9. A statute followed defining man-stealing, providing that fugitive slaves should have a jury trial, and fixing a penalty for aiding or sheltering runaway slaves. *Laws of Indiana, 1817, 367.*

Omnipotent disposer of events upon your exertions for the prosperity and welfare of those who have confided their interests to your care.

JONATHAN JENNINGS

SPECIAL MESSAGE: NOMINATING ISAAC BLACKFORD TO VACANCY ON THE SUPREME BENCH

December 4, 1817

Senate Journal, 1817, 13

THE PRESIDENT OF THE SENATE

SIR—I nominate for the advice and consent of the senate Isaac Blackford,[1] Esq., for the appointment of judge of the Supreme Court, vice John Johnson, deceased.

JONATHAN JENNINGS

1. If there was any political motive in the appointment of Isaac Blackford it does not appear. He perhaps had made the acquaintance of Governor Jennings some years before the state was formed. Both were natives of New Jersey. Jennings was two years the elder, and probably preceded the judge to the territory about two years. Both spent some time at Vincennes where they affiliated with the same party, opposing Governor Harrison and voting with the eastern settlers. However the connection was formed, Governor Jennings was well acquainted with him when, in 1817, they attended Judge Johnson's funeral together.

At this time Governor Jennings informed him that he had decided to appoint him to the vacant judgeship. He is said to have begged the governor not to do it, pleading his youth, inexperience, and the possibility of finding stronger men, several of whom he suggested. However, this latter may be, it is hardly in keeping with his whole history. He was an inveterate office-seeker and office-holder. He was, on the other hand, a reticent, retired man, in his later years especially, and the thought of being a judge over a supreme court, where such men as Parke, Dewey, Lane or Noble might practice, may have been alarming to him.

Isaac Blackford was born at Bound Brook, New Jersey, November 6, 1786. He was of pure English descent, his father having come from that country. His parents were in good circumstances and the son entered Princeton college in 1802. His father died about this time. At Princeton young Blackford devoted himself to the classics, leading in Latin and Greek. His class of fifty-four members contained a number of distinguished men. He evidently early turned to the law, since in his senior year he made a careful study of *Blackstone*. His studious habits formed in college clung to him through life, so that he was rightly known as a bookish man. This trait was especially distinctive in a new country such as Indiana territory was at that time.

It is perhaps useless to conjecture why he emigrated to the west at this time. A dozen reasons sufficient to lure like characters to the young west suggest themselves. Jonathan Jennings, who was born only a few miles from Bound Brook, had preceded him to the territory. Whether any communication between them was had before Blackford decided to migrate does not appear. Benjamin Parke, also a New Jersey man, had come to Indiana in 1801, ten years ahead of Blackford. He had been back to Washington as a delegate from the territory to the federal government. All three of these men lived for a time at the capital, Vincennes.

Before coming to Indiana, Blackford entered the law office of Gabriel Ford, said to have been one of the best lawyers of his state. He entered Princeton in 1802 and

presumably finished his college career before coming to Indiana. The first of these five years he is said to have spent in the law office of Col. George McDonald. In 1810 he was admitted to the New Jersey bar.

It is said he walked all the way to the Allegheny river, where he took boat for Lawrenceburg. He bore a letter of recommendation to Isaac Dunn, of that place, from his law teacher, Ford. Either on his way west or after arrival at Lawrenceburg, he visited Dayton, Ohio, but finally settled down at Brookville. He stood no chance of ever winning a living in the circuit court of Indiana of that or any other day. After serving as a cashier in the unfortunate Vevay bank, editor of a paper at Vincennes, and clerk of Washington county, he was chosen clerk of the house of representatives in 1813. It is impossible the influence of both Parke and Jennings was not supporting him at this time. Governor Posey appointed him president judge of the First territorial circuit. In 1816 he was chosen representative from Knox county. When this General Assembly convened at Corydon he was elected speaker. At the time of his appointment to the supreme court he was cashier of the Vincennes State bank.

These latter honors are evidently due to his own popularity. He made friends slowly, but they remained firm after he had made them. James Noble, who was elected United States senator by this Assembly, has testified to his ability and fairness.

His service as judge was contemporaneous with the life of the old supreme court. Only one short session had been held before he came on the bench and he remained until the old court was dissolved, a period of thirty-seven years. Few judges in this or any other state have served so long. His narrow, intense, cautious mind was the governor-belt on the young judicial system of the state. His court was a seminary for the circuit lawyers after they had graduated from the school of the circuit.

In comparison with a score of lawyers who practiced at his bar he would suffer, yet he, no doubt, made a better judge than any of them would have done. In sheer mental strength he was not equal to Dewey. In mental circumference he was not equal to John B. Niles. In a knowledge of the practice of law he was far inferior to O. H. Smith. In a profound understanding of the civil law, Samuel Judah surpassed him. In intellectual strength and the vision which opens up to a lawyer the path over which society is travelling, George G. Dunn surpassed him. In the law of commerce, Stevens surpassed him. In trial procedure, it is probable Sample, Eggleston and McDonald were his superiors. And so one might find others greater in a special field of the law, yet it is perhaps just as true that in all these points combined he excelled any one of them.

He founded his decisions on the best judicial dicta available, resting very largely on precedent. It took a strong burden of argument to overthrow in his mind the weight of established principle. It is this characteristic that made his "reign" so valuable to the young state judiciary. He himself overthrew many of his own decisions and many of them have since been overthrown, but not till practically all lawyers had felt they should be reversed.

He has been criticised as too cautious, too conservative. This is mere opinion, and may be right. At least it cannot be answered, only denied. In his court the lawyers knew just about what the law was, and that is certainly a healthy condition. In the face of the great social change, just beginning when he left the bench, it is difficult to hazard what he would have done. His service to the state was great and there is nothing to be gained by attempting to discount it by saying he must have failed had he served another third of a century.

His political ambitions overreached his political ability. There is no doubt but he coveted political honors. In 1825 he made the race against James Brown Ray for governor. Ray was a good popular campaigner, Blackford a poor one. In spite of this handicap, he received 10,418 votes to 13,040 for his rival. At the next session of the General Assembly he was a candidate for United States senator and seems to have been defeated by a single vote. His opponent was William Hendricks, the most astute politician of early Indiana, after Jennings. He was personally opposed to Harrison and when Harrison was a candidate in 1836 he refused to support him and went over to Van Buren. This move effectually shattered what little political reputation had been left him by the unfortunate political dickering against Governor Ray in 1831. He was defeated for judge in 1852 by Samuel Perkins; for supreme court reporter in convention; and by Thomas A. Hendricks in the Democratic congressional convention. This left him completely disillusioned concerning his political availability. However,

Annual Report of State Treasurer

Corydon, December 8 1817

Senate Journal, 1817, 62

The treasurer, in obedience to an act of the General Assembly "entitled an act concerning the Auditor of Public accounts and the Treasurer of State, approved the 11th of December 1816," submits the following report:

That from the 16th of November 1816, to the 29th of November 1817 inclusive:

There has been received on loan	$20,000.00
From sundry sheriffs within the dates aforesaid.	4,251.09¼
Making a sum total of	$24,251.09¼

Within the periods above mentioned there has been paid at the treasury in discharge of the late territorial debt $3,331.63¼

he enjoyed a national reputation and in 1855 President Pierce appointed him judge of the United States court of claims at Washington. Here he spent the remainder of his life, dying December 31, 1859, at midnight, the last of his family.

His character in his profession was never assailed. His honestly, integrity and energy were never questioned. Lawyers seem as a rule to have received his decisions without a murmur. However, toward the close of his career the press began to criticise him severely. It was stated that he had made and was making a large amount of money out of his *Reports*. He was charged with neglecting his official duties in order to edit them. Laymen could not understand why he spent day after day on his editorial and proofreading work when the court was two years behind with its work, while lawyers and litigants were clamoring for an early hearing. This charge had not a little to do with his later unpopularity.

There is no doubt that he did a great amount of work reporting. The seven volumes of *Reports* are a careful selection only from the great number of cases that came before the court. Each opinion was carefully restated, boiled down and corrected. The first volume of *Reports* was published in 1830, the second in 1834, the third in 1836, the fourth in 1840, the fifth in 1844, the sixth in 1845, the seventh in 1847 and the eighth and last in 1850. These are his life work and on them his reputation must rest. The love, time and attention devoted by most men to their families was by him lavished on these volumes.

An all-round interest which he possessed in early life had rapidly narrowed until he devoted all his attention to the law. He collected a considerable library in his room in the Governor's mansion, where he devoted himself assiduously to its study.

In 1820 he married Caroline a daughter of his first law preceptor, Col. George McDonald, of Vincennes, where her father had located in 1819, and where he continued to practice for many years. The young wife of Blackford died a year after her marriage at the birth of a son, named George. The child was brought up at Vincennes, but died before becoming of age.

Judge Blackford lived somewhat like a hermit in his mansion at Indianapolis. He boarded at a cheap hotel and was miserly in all his dealings. He frequently left a whole year's salary so it would accumulate interest. This became known and led people to exaggerate the amount of money he was making out of his *Reports*. He belonged to no church, club, or lodge, but, with his colored servant, William Franklin, lived very much alone.

In payment of the officers of the executive department	2,000.00
In defraying the contingent expenses of the government	222.37
In defraying the expenses of the late convention of the Indiana territory	3,076.21
In the payment of the officers of the judiciary department	2,100.00
In payment of the members of the General Assembly, for their services during their late session, and defraying incidental expenses attendant thereon	7,325.12
	$20,055.33¼
Leaving in the treasury on the 29th November 1817, a balance of.....	4,820.79
Since which period to the 8th of December 1817, there has been paid at the treasury the sum of	550.00
Leaving a balance on the 8th day of December 1817, in the treasury of.....	$3,270.76
Since the 29th of November 1817, as aforesaid, there has been paid into the treasury by sundry sheriffs for the years 1814, 1815, 1816 and 1817	3,983.37
Leaving in the hands of the treasurer on the 8th of December 1817, the total sum of.....	$7,254.13½

Respectfully submitted,

DANIEL C. LANE, *Treasurer of State*

CORYDON, December 26, 1817

THE HONORABLE, THE PRESIDENT OF THE SENATE,

SIR—Inclosed is a report in addition to my former, correcting a numerical mistake.

The Treasurer of State begs leave to submit the following, in addition to his report of the 8th instant.

That there is in the hands of the treasurer on the 29th of November, $4,195.76, instead of 4,820.76. In the hands of

the treasurer the 8th December, in addition thereto $3,645.76, instead of $3,270.76. Leaving a total sum in the hands of the treasurer on the 8th Dec. including as before, all payments into the treasury from the 29th of November to the 8th of Dec. as aforesaid, $7,629.13, instead of $7,254.13½. This mistake, while it does not diminsh, but enhances the amount of monies in the hands of the treasurer, originated in an error in subtracting the expenditures from the amount of receipts into the treasury, up to the 29th of November last. Although the ground work of my report was entirely correct, yet, the multiplied official business which required my attention, during the first week of the present month, will be my apology for this numerical mistake.

Respectfully submitted, this 26th Dec. 1817,

DANIEL C. LANE, *Treasurer of State*

SPECIAL MESSAGE: FUGITIVE SLAVES FROM KENTUCKY

December 10, 1817

House Journal, 1817, 35

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR—Herewith I transmit for the information of the House of Representatives a copy of a letter addressed to me from Governor [Gabriel] Slaughter[1] of Kentucky, on the subject of slaves escaping into this state, and my reply thereto.

With great respect, yours, and others,

JONATHAN JENNINGS

1. Colonel Gabriel Slaughter, governor of Kentucky, was a native of Virginia, but emigrated in his youth to Kentucky, and settled in Mercer county, some few miles from Harrodsburg. His residence was widely known under the attractive name of "Traveler's Rest".

Early in life he became a member of the Baptist denomination and was extensively known as a prominent and useful member of that numerous and respectable society. He was frequently employed as messenger to its associated churches, and generally presided as moderator of their assemblies.

He rendered gallant and distinguished service in the Battle of New Orleans January 8, 1815, as a colonel of a regiment of Kentucky troops. General Jackson entertained the highest respect for his character as a soldier and patriot.

Colonel Slaughter was elected in 1816 to the office of lieutenant governor, and upon the death of George Madison succeeded him in the executive chair and administered the government as acting governor of Kentucky for the four years of Madison's term.

At the end of his gubernatorial term, Governor Slaughter retired to his farm in Mercer, where he died in 1830, at the age of sixty-three years. The legislature, by joint resolution, some years since, ordered a marble monument to be erected to his memory on the spot where he was buried.

Collins, *Kentucky*, *463*

ENCLOSURE 1

FRANKFORT, [KY.] September 14, 1817

SIR—Pursuant to a resolution of the Legislature of the commonwealth of Kentucky, passed at their last session, I have to assure your Excellency of the amicable disposition of the citizens of Kentucky towards the citizens of the state of Indiana; and that it is the wish, not less than the interest, of our citizens, that harmony and the most friendly relations should prevail between the said states and the citizens thereof. That they respectively enjoy the blessings of a government based on the great and essential principles of liberty, and compose a part of the federal union, are considerations alone sufficient to induce them to preserve with the utmost vigilance the amity now existing between this state and that over which you have the honor to preside. But when we reflect that Indiana and Kentucky belong to the same section of the country, having a common highway to the ocean, and that from their relative situation their citizens must from necessity mingle in social intercourse and commercial pursuits, strong and additional motives are perceived to cultivate and maintain the most amicable relations. Influenced by feelings and considerations of this nature, and a due regard to the rights of our citizens, the legislature of Kentucky have requested me to address your Excellency concerning the difficulty said to be experienced by our citizens in reclaiming their slaves who escape into your state.

Whether it is owing to a defect in your laws, or the want of promptitude and energy in those who administer them, or the prejudice of your citizens against slavery, or to all those causes, I have not learnt. But our citizens complain of serious obstructions to the recovery of their property. You must be sensible, sir, that occurrences of this sort cannot fail to produce discontent here, and a spirit of animosity towards the people of your state, which it is equally the interest and duty of all to avoid. I regret that I am not furnished with the particular facts which have occasioned this interference of our legislature; but it was certainly due to the complaints of our citizens to open a correspondence with you on the subject, in order to remove as far as practicable the obstacles, real or supposed, produced by your citizens. I flatter myself that the

causes of those complaints are very limited; and relying with confidence that the amicable disposition of the people of this state towards the people of Indiana is felt, and will be met by a correspondent spirit on their part, I request you to call the attention of your legislature to this interesting subject, and to recommend the adoption of such municipal regulations as may be best calculated to do justice to all concerned, and to promote harmony and amity between our respective states.

I have the honor to be, with high respect and consideration,

Your obedient humble servant,

GABRIEL SLAUGHTER

TO HIS EXCELLENCY JONATHAN JENNINGS,
Governor of the State of Indiana

ENCLOSURE 2

CHARLESTOWN, November 20, 1817

House Journal, 1817, 47-48

SIR—Your letter of the 4th of September last, addressed to me in pursuance of a resolution of the commonwealth of Kentucky, has been received; in which an assurance is given of the amicable disposition her patriotic citizens entertain towards the citizens of the infant state of Indiana. Permit me to assure your Excellency that a corresponding disposition is cultivated on the part of the latter, and that they highly appreciate the mutual advantages to be derived from the most friendly relations between the said states, and the citizens thereof.

With regard to the subject matter of your letter, "the difficulty said to be experienced by your citizens in reclaiming their slaves who escape into this state," allow me to state in relation to my views on this subject that I have been, and still am, desirous that every municipal regulation, not inconsistent with the constitution of the United States or of this state, may be adopted by the legislative authority of the latter, calculated to secure to the citizens of every state or territory of the Union the means of reclaiming any slave excaping into this state that may rightfully belong to them or either of them, with as little delay as the operation of the law will admit. With this object in view, I presented the subject for the consideration of the legislature of this state at their last ses-

sion, and their deliberations on this subject resulted in a statute, to which I beg leave to refer you in the pamphlet herewith transmitted. [Laws of 1817]

What further legislative provision on this subject may be adopted on the part of the legislative authority of this state, is not for me to predict, though I feel a confidence that some further attempts will be made to restrain slaves from seeking within our state an asylum from their lawful owners.

I am yet ignorant of any attempt to obstruct the operation of the laws when called into action for the purpose of aiding the claimant of any slave or slaves who may have escaped into this state; and with you I regret that you have not been furnished with the particular facts which have occasioned this interference of your legislature, although pleased that a correspondence on this subject has been commenced. If such an evil exists as is said to be experienced from a defect in our laws, it is believed a remedy will be provided in the resources of further experiment.

As members of the general government, the states of Kentucky and Indiana will, it is hoped, act with mutual forbearance and good faith, avoiding thereby any unnatural jealousies between them as states, or their citizens.

Accept assurances of the high respect with which I am, sir,

Yours very obediently,

JONATHAN JENNINGS

HIS EXCELLENCY GABRIEL SLAUGHTER,
Governor of Kentucky

ENCLOSURE 3

December 15, 1817

House Journal, 1817, 50-52

MR SPEAKER—Your committee, to whom was referred a letter from his Excellency the Governor of Kentucky, to the Governor of this state, founded on a resolution of the legislature of that state; together with the answer of the Governor of Indiana, on the subject of runaway slaves, beg leave to report—

That, they have had the same under consideration, and would remark, that they highly appreciate the general friendly and amicable disposition of the state of Kentucky, towards that of Indiana, manifested in his Excellency's communica-

tion; and cordially wish to pursue and maintain the most friendly relations between the states; but, at the same time we would observe, that, in the opinion of your committee, a part of the communication alluded to, does not breathe that spirit of amity and good will, so strongly recommended by his Excellency the Governor of Kentucky.

On the subject of the difficulties, said to be experienced by the citizens of Kentucky in regaining their fugitive slaves, your committee are of opinion, that the feelings of his Excellency, as well as of the legislature of Kentucky, have been governed, in a great degree, by the improper representations of individuals who have been disappointed in their attempts to carry away those, whom they claimed as slaves, from this state, without complying with the preliminary steps required by law; together with the groundless assertions of unprincipled individuals, who have attempted, in many instances, to seize and carry away people of color, as slaves, who were free, and as much entitled to the protection of the laws, as any citizen of Indiana. This, your committee believe, could have been made fully appear, if they had been furnished with the particular circumstances on which the complaints against our citizens are founded. And this omission, on the part of the governor of Kentucky, has left the proper authority without the means of investigating the matter in question; and is, at the same time, in the opinion of your committee, a circumstance, which does not carry with it, that degree of respect, which is due from one friendly state to another.

Your committee rejects the idea of the alleged want of energy or promptitude in those charged with administering the laws; or that it is the prejudice of our citizens against slavery, which obstructs the citizens of Kentucky in regaining their fugitive slaves. It is a well known fact, that whatever may be the opinion of our citizens on the abstract principles of slavery; and however repugnant it may appear, in their estimation, to the principles of moral justice, there is but one sentiment prevalent on the subject of people of color migrating, in any circumstance, to this state. It is believed, if not restricted, it would in time, become an evil, of not much less magnitude, than slavery itself. But, notwithstanding our future interest and happiness require that we should discourage, or perhaps prohibit, people of color, from coming into our state, even as freemen, (and certainly more so, as fugi-

tives) yet, it is a solemn duty which we owe to the dignity of our laws and the sovereignty of our state, to protect such of those degraded and much injured people, as are resident in Indiana, and defend them against the grasp of miscreants, who have in repeated instances, attempted to carry them from our shores into perpetual slavery. And we would observe, that, if the supposed want of energy or promptitude in those who administer the laws in relation to this subject, has existed, it only was to be found in the forbearance to punish, with proper and merited severity, wretches who would thus violate the rights of humanity, and the laws of our state.

Your committee are much gratified to find, that his excellency the governor, has returned a friendly and conciliatory answer to the communication of the governor of Kentucky; and with him we believe, that it is the wish of the citizens of Indiana, as a member of the American confederation, as much as in her power, to remove every cause of dissatisfaction between her and other states of the union. But while she is labouring to promote friendly relations on her part, she will expect to meet with correspondent exertions on the part of other states.

Your committee, in the further prosecution of the duties assigned them, will take into consideration the laws on the subject of slaves escaping into this state, as well as the laws for the punishment of the crime of manstealing; and if it should be found that, any new provisions are necessary on either of those subjects, they will form the subjects of future reports.[2]

Committee { SAMUEL MILROY, *Chm*
ALEXANDER LITTLE
JOSEPH HOLMAN
JAMES SNOWDEN
RALPH COTTON
RICHARD DANIEL

2. Some light is shed on the sentiment of the people toward slavery by the proceedings in 1816 in answer to a letter from M. E. Sumner, written Nov. 4, 1816. He stated that he wished to bring his slaves into the county, 40 in number, and free them. He proposed to buy them lands and farming implements and stock to go into farming.

On a vote "to throw the communication under the table" it lost 6 to 21. Boone of Harrison and Boone of Warrick, Carr, Graham of Jackson, Mills and Milroy, for; Alexander, Brownlee, Dumont, Dunn, Ferguson, Floyd, Graham of Clark, Hogan, Holman, Johnson, Lane, Little, Lynn, Lindly, Mount, Overman, Powell, Scott, Wilson, Zenor, Blackford, against. However no agreement could be reached on an answer to Sumner and he failed to get permission to liberate his slaves in Indiana.

House Journal, 1816, 43

SPECIAL MESSAGE: CONCERNING AN ELECTION CONTEST IN POSEY COUNTY

CORYDON, January 20, 1818

House Journal, 1817, 203-204

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Owing to a want of legislative provision for the examining and determining of contested elections for county and township officers, unavoidably it become my duty to commission certain county officers in the county of Posey who, although returned as duly elected, did not receive a majority of the votes at their election, by reason of the polls of one township not having been received within the time required by law. Conceiving it to be a fundamental principle of our government that no man should hold an elective office who has not received a majority of qualified votes given at any such election, and that all elections which have not been "free and equal" should be declared void, I recommend, therefore, an examination into the legality, corruption, or the contrary, with which the election and return for county officers has been held and made in said county of Posey, on the first Monday of February last; and if made void, that legislative provision be made for a special election in said county.[1]

JONATHAN JENNINGS

SPECIAL MESSAGE: ELECTION OF CIRCUIT JUDGES

January 24, 1818

Senate Journal, 1817; 170

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF INDIANA:

GENTLEMEN—Subsequent to the last session of the General Assembly, the gentlemen who had been elected by a joint ballot of that body and commissioned presiding judges of the First and Second Judicial circuits within this state,[1] respectively, resigned their appointments.

1. The papers in this case are set out in the *Journals* but are more extensive than important. The trial occupied the Assembly several days and illustrates very well the petty concerns that took so much of the time of the Assembly under the old constitution.

1. The Assembly Dec. 21, 1816, chose Benjamin Parke for the First circuit, David Raymond for the Second and John Test for the Third. Parke was soon appointed a federal judge and resigned from the circuit.

In conformity, therefore, to the provisions of the constitution, after mature deliberation, William Prince,[2] Esq. was on the 8th day of February last appointed to fill the vacancy in the First, and Davis Floyd, Esq.[3] on the 13th of October last, to fill the vacancy in the Second circuit, believing their appointments would conduce to the public good and that their official duties would be discharged with integrity. Their commissions, however, will expire with the close of the present General Assembly, and it will therefore become necessary that more permanent appointments be made before your adjournment shall take place.

JONATHAN JENNINGS

PROCLAMATION

CORYDON April 2 1818

Mss. Sec. of State's office, box 155

Whereas It has been represented that sundry persons in the township of Morgan in the county of Harrison and parts of the county of Crawford adjoining have in different instances been collected for riotous and unlawful purposes; and have in a riotous and unlawful manner beaten sundry persons and committed outrages on the right of property; this is therefore to require and command all persons as well civil as military to aid and assist in dispersing and prosecuting all such unlawful assemblies as well as arresting and bringing to trial each and every such person detected in being engaged in such unlawful assemblies as aforesaid.

Proclamation issued 2d April 1818.

2. William Prince was an early settler of Knox county and, later, of Gibson when it was created. His home was in Princeton and the city is named for him. He served as judge only from August, 1816, to March, 1817. In 1823 he was elected to congress, but died, September 8, 1824, before his term of office expired. He was an old friend and companion of General Harrison, serving on the Tippecanoe campaign and during the War of 1812. Harrison recommended him for a commission in the army but it seems the appointment was successfully opposed by Jennings.

3. Judge Davis Floyd was one of the most interesting characters in early Indiana. He was one of the early settlers at Clarksville, where he opened a tavern as early as 1801. He was licensed as a Falls pilot at the same time. He was connected with the courts from their earliest organization. He took an active part in aiding Burr, for which he was brought to trial on a charge of treason. He was fined ten dollars and imprisoned three hours. In the anti-slavery struggle he took an active part against slavery. He served in the territorial and state legislature frequently. It is said that he designed our present state seal. About 1815 or 1816 he moved to Corydon, and represented Harrison county in the first General Assembly. He was not a great lawyer, but seems to have been a satisfactory judge, due perhaps to his strong personality and firm character. In 1833 Jackson appointed him a commissioner of land claims in Florida. He set out at once for St. Augustine and seems never to have returned.

JENNINGS AND THE TREATY OF ST. MARYS

Jeffersonville Indianian, July 3, 1818

TO HIS EXCELLENCY JONATHAN JENNINGS, COMMISSIONER OF THE UNITED STATES

SIR—You have taken upon yourself to exercise the privilege from which no person is debarred under our constitution of announcing yourself a candidate for the office of governor of Indiana at the ensuing election. I shall only, therefore, exercise the privilege equally guaranteed to me as a voter, viz: of investigating your claims to the confidence of the people:

First: You, sir, were one of the framers of our constitution and as president, witnessed every article thereof.

Second: You are elected governor under our constitution for the term of three years, and consequently took an oath to support it.

Third: You, then accepted under the authority of the United States the office of commissioner, and proceeded to discharge the duties of that office jointly with others.

Fourth: You received twelve dollars per day for your services by virtue of that office.

Fifth: You then returned to Corydon after being superceded by the lieutenant governor, and took possession of the badge of office, *(viset armis)*.

Sixth: You were then called to lay before the legislature the facts relative to your accepting an office under the authority of the United States.

Seventh: You now exercise the powers and perform the duties of governor of Indiana.

These are truths which I believe you cannot deny. I shall see how far they are consistent with the office of governor and the constitution.

The constitution which you took a solemn oath to support reads as follows:—Art. 4, sec. 5—."No member of congress, or person holding any office under the authority of the U. S. or of this state, shall exercise the office of Governor". Here the word—officer—is expressly laid down, and the same word is in your commission from the President, which reads: "You are to continue in office during the pleasure of the President." Art. 9, sec. 13, says—"No person shall hold more than one lucrative office at the same time."—As also section 9 of the

same article: "All commissions shall be in the name and by the authority of the state of Indiana," which compare with the lordly style of those which you issue, which read thus: "Jonathan Jennings, *Governor and Commander in Chief of the state of Indiana*",—a title which the constitution never gave you. But sir, it would have been too low for your lordly mind to have come on a level of the constitution, which would read: "In the name and by the authority of the state of Indiana, to all who shall see these presents, greeting: know ye etc." But kings and rulers cannot bear the idea of any other authority but that of their own. How, sir, shall we reconcile the inconsistency of your conduct with that sacred constitution and the pledge of your oath? Can you plead ignorance? Certainly not. To what then shall we impute this violation of the constitution? and by what authority do you now exercise the office of governor? Why I answer, by the same authority which crowned Joseph Bonaparte king at Madrid, namely, a tyranical disposition to rule and exercise power—and that you will abdicate and resume the office when you please. For my part, I know not how you can reconcile the constitution with your conduct as an executive; for there appears a gulf as impassable as that fixed between Lazarus and Dives; and how far your oath would justify you in exercising two lucrative offices at the same time, and expressly forbidden by the constitution, I know, not, as that is between you and your God. And how far you may think you have claims to merit the people's suffrage, I know not; but think if usurpation, a departure from the cosntitution, and a corrput administration will be of any advantage in deciding between merit and demerit, the people will elect some person besides Jonathan Jennings.

CASTIGATOR

JENNINGS TO HARRISON

ST. MARY'S, OHIO, October 3d, 1818

House Journal, 1818, 47-48

The Hon'ble CHRISTOPHER HARRISON:

Understanding that some official business is necessary to be transacted, permit me to inform you that my absence is still necessary, and that it may be necessary for you to attend

the seat of government to discharge such duties as devolve on the executive of Indiana.

We have executed a treaty with the Wea tribe of Indians, ceding all the claims they have to lands in Indiana, Ohio, or Illinois; with the Potawatomies, for all the claims they have southeast of the Wabash; with the Delawares, for their claim in Indiana, and with the Potawatomies for their claim from the mouth of the Tippecanoe to the mouth of the Vermilion, and twenty five miles back from the Wabash river.[1]

In haste and a crowd, yours very respectfully,

JONATHAN JENNINGS

P. S. We have yet pending a negotiation with the Miami tribes; its result is doubtful.

December 7, 1818

House Journal, 1818, 6

On motion of Mr. Sullivan, *Resolved,* That Christopher Harrison [*of Salem*], Lieutenant Governor of the State of Indiana, be waited upon by a committee and requested to communicate to this House the resignation of Jonathan Jennings as Governor of the State of Indiana, and by what way the state seal has been taken out of his possession. And thereupon, Messrs. Sullivan and Watts were appointed that committee.

December 8, 1818

House Journal, 1818, 6

On motion of Mr. Milroy, *Ordered,* That the committee appointed yesterday to wait upon Christopher Harrison, Lieutenant Governor of the State of Indiana, and learn from him certain information relative to the resignation of Jonathan Jennings, and by what means the state seal was taken out of his possession, be discharged from that duty.

1. As a result of this letter Lieut. Gov. Harrison decided that the governorship was vacant and under the law took possession. The following documents give the details of the case.

The governor was rather brazen in his denial. The treaty as signed by himself, Lewis Cass and Benjamin Parke and witnessed by James Dill, William Turner, John Johnston, William Prince, B. F. Stickney, John Conner, Joseph Barron, Maj. John T. Chunn, Capt. J. Hackley and Bishop Flaget had already been officially published. Jennings himself, it seems, had boasted of his success.

The appointment was made by Sec. of War John C. Calhoun, April 16, 1818, and ratified the same day, Senators Taylor and Noble both being present. November 30 President Monroe laid the treaty before the senate. It was brought up several times and confirmed December 28, 1818, Taylor and Noble both voting. All members of the Assembly no doubt were aware of the plain violation of the constitution, yet it seems only a few had the courage to oppose the governor.

December 8, 1818

Senate Journal, 1818, 7-8

A message from the House of Representatives by Mr. Milroy:

MR. PRESIDENT, I am directed to inform the Senate that the House of Representatives have adopted the following resolution:

Resolved, That a committee be appointed on the part of this House to act with a similar committee to be appointed on the part of the Senate, to wait on his Excellency Jonathan Jennings, and on his Excellency Christopher Harrison, and learn from those two gentlemen the true situation of the office of the executive of this state, and of the difference existing therein, and also to call on the secretary of state [R. A. New] for any information or documents that may be in his possession relative to said office, and report to their respective houses the result of their enquiries, with any documents they may receive that they shall deem necessary for the information of the General Assembly, and that Messrs. Milroy and Sullivan are appointed that committee.

Whereupon Mr. Boone moved that the Senate do pass a similar resolution; which motion was rejected. *Ordered,* That Mr. Boone inform the House of Representatives that the Senate have not concurred in the said resolution.

December 10, 1818

Senate Journal, 1818, 19-21

A message from the House of Representatives by Mr. Milroy:

Mr. President, I am directed to inform the Senate [that] the House of Representatives have adopted the following resolution, to-wit:

Resolved, That a committee be appointed on the part of the House of Representatives to act with the committee on the part of the Senate to wait on Lieutenant Governor Harrison and inform him that both houses have formed a quorum, and are now ready to receive any communication which he may please to make to them relative to the executive department

of the government, and that the Senate be informed of such appointment; and if he should think proper to make such communication, at what time and in what manner the two houses may expect it;—and that Messrs. Sullivan and Watts are appointed that committee on the part of the House of Representatives.

Mr. Boone, from the joint committee appointed to wait on the Lieutenant and late acting Governor, reported that they had performed the duty assigned to them, and received from him the following answer, to wit: That as Lieutenant Governor he had no communication to make to the Senate and House of Representatives, but as Lieutenant and acting Governor of this State, if recognized as such, he had. That he had already officially announced to the public in the *Indianian* a newspaper published in Jeffersonville, the 9th of November last, a statement of facts which had come within his knowledge, relative to the executive department of this State, bearing date the 2d of November *ult.*, and which had been republished in almost every newspaper in this State. That he had received further information in confirmation of the fact therein stated, of Governor Jennings holding the office of commissioner under the authority of the United States, from the testimony of others. That if the Senate and the House of Representatives wished to obtain the same information they could do so by an examination of William Prince, superintendant of Indian affairs at Vincennes, and General James Dill, secretary of the commissioners at St. Mary's, at the bar of their respective houses; and by the inspection of a public document not at this time in his possession, to wit: a file of the *National Intelligencer* of the present year, published at Washington City, in which the acts of the general government are usually promulgated, and in which, about the time of the rising of the last session of the Congress of the United States, it was announced in a list of appointments by the President and Senate of the United States that Jonathan Jennings, Benjamin Parke and Governor [Lewis] Cass [of Michigan Territory] were appointed Commissioners to hold a treaty with certain Indian tribes.

December 12, 1818

House Journal, 1818, 42-43

To His Excellency Jonathan Jennings *Governor of the State of Indiana*

Sir—In compliance with the request of the committee of which I have the honor to be chairman, I take the liberty of addressing you on a subject the recollection of which is as painful to me as the subject itself is important and weighty. Painful and disagreeable as this task may be, it is yet a solemn duty which must be performed.

The House of Representatives having learned that there was some existing difficulty in the executive department of government, growing out of a treaty held and concluded with some independent nation[s] of Indians at St. Mary's, some time in September last, which is understood to have been holden by yourself, associated with others, under the authority of the United States of America; understanding this much, I say, the House determined to have an investigation of the matter, and to that end have appointed the committee of which I am the Chairman.

The committee feel anxious to discharge faithfully the obligation they are under to the House of Representatives, and [to] give the subject committed to their charge an honest investigation.

That, it is evident, cannot be done without this committee can procure the necessary documents.

To this end, sir, by the committee I am directed to address you, and request you, if you feel a disposition so to do, and have in your possession any documents which would enable the committee to comply with the views of the House, to favor us with the use of them. In the belief, sir, that you will do anything in your power to assist the committee to a full, fair, and speedy investigation of this unfortunate subject, I express not only my own but the sentiments of the committee.

The committee will sit again today at twelve o'clock.

I have the Honor to be, with sentiments of respect and esteem, Sir,

Yours, &c.

Saml. Milroy, *Chairman*

December 13, 1818

House Journal, 1818, 43-44

The Honorable, SAMUEL MILROY:

SIR—The reception of your communication, in behalf of the committee of which you are chairman, relative to the alleged difficulty in the executive department of the government is acknowledged.

With regard to the object of the investigation I am uninformed; and as to the existing difficulty intimated by the committee growing out of a treaty lately and successfully held at St. Mary's for the extinguishment of Indian title to lands in this state, I have to add that I was with others associated and did negotiate with certain tribes of Indians, who by the treaty of Greenville and since have acknowledged themselves under the protection of the United States, and which tribes have never enjoyed the privileges of independent nations, at least since the year one thousand seven hundred and sixty-three.

If the difficulty, real or supposed, has grown out of the circumstance of my having been connected with the negotiation at St. Mary's, I feel it my duty to state to the committee that I acted from an entire conviction of its propriety, and an anxious desire on my part to promote the welfare and accomplish the wishes of the whole people of the state in assisting to add a large and fertile tract of country to that which we already possess.

If I were in possession of any public documents calculated to advance the public interest it would give me pleasure to furnish them, and I shall at all times be prepared to afford you any information which the constitution or laws of the state may require.

Very respectfully, sir, I am

Your obedient

JONATHAN JENNINGS

December 14, 1818

House Journal, 1818, 48

The following letter was handed to the committee by Charles Dewey, Esq. [*of Charlestown*]:

COL. SAMUEL MILROY:

SIR,—As chairman of the committee you will be so good as to receive and introduce Mr. Charles Dewey as my council [counsel] to the committee of which you are chairman.

With great respect,

Yours and the committee's obedient servant.

JONATHAN JENNINGS

RESIGNATION OF LIEUTENANT GOVERNOR HARRISON

CORYDON, December 17th, 1818

Senate Journal, 1818, 34

THE PRESIDENT OF THE SENATE:

SIR,—I have this day delivered to the secretary of state, to be filed in his office, my resignation of the office of Lieutenant Governor of this state. As the officers in the executive department of government and the General Assembly of this state have refused to recognize and acknowledge that authority which, according to my understanding, is constitutionally attached to the office, the name itself, in my estimation, is no longer worth retaining.

With great consideration, I have the honor to be,

Your most obedient servant,

CHRISTOPHER HARRISON

Mss. in Sec. State's Office Box 155

STATE OF INDIANA, *Sct.*

To all to whom it may concern:

Be it known that I Christopher Harrison do by these presents resign the office of lieutenant governor of the state of Indiana and surrender to the people the power and authority they have done me the honor to confer on me by virtue of said office. In testimony whereof I have hereunto set my hand this 17th day of December 1818.

CHRISTOPHER HARRISON

ANNUAL MESSAGE[1]

December 9, 1818

Senate Journal, 1818, 12-18
Western Sun, Dec. 19, 1818

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES:[2]

In meeting you again for the discharge of our correlative duties, it is incumbent on me to recommend to your consideration such measures as are deemed important to the interests of our constituents and the welfare of the state.

Senate Journal, 1818, 11

1. Mr. [Charles] Beggs [of Clark], from the joint committee appointed to wait on his Excellency the Governor, reported that they had waited on Governor Jennings and informed him the two Houses had formed a quorum and were ready to receive any communication he might be pleased to make to them; and had received for answer that he would meet the two Houses in the Representative Chamber in fifteen minutes, and deliver them a written communication.

2. Following are the members of this Assembly, 1818:

SENATORS

COUNTY	NAME
Wayne	Patrick Beard [Baird]
Franklin	John Conner
Dearborn	Ezra Ferris
Jefferson and Switzerland	John Paul
Clark	James Beggs
Washington, Jackson, Orange, Lawrence and Monroe	John De Pauw
Gibson, Pike and Dubois	Isaac Montgomery
Harrison and Crawford	Dennis Pennington
Knox, Sullivan, Daviess and Vigo	William Polke
Posey, Vanderburgh, Perry, Spencer and Warrick	Ratliff Boone

REPRESENTATIVES

COUNTY	NAMES
Wayne	Lewis Johnston, Zachariah Ferguson and John Sutherland
Franklin	James Gowdie, Allen Crisler and Jonathan M'Carty
Dearborn	John Watts and Erasmus Powell
Switzerland	Ralph Cotton
Jefferson	Williamson Dunn and Nathaniel Hunt
Clark	Charles Beggs, Joseph Bartholomew and John H. Thompson
Washington	Samuel Milroy and Jonathan Lyon
Jackson	William Graham
Harrison	James B. Slaughter, Harbin H. Moore and William P. Thomasson
Orange	Samuel Chambers
Perry	Samuel Conner
Warrick	Elisha Harrison
Gibson	Richard Daniel and John Johnson
Knox	George R. C. Sullivan and Robert Buntin [Gen. W. Johnston]

When the importance of the undertaking, and the limited time which the last General Assembly occupied in revising the undigested materials which had previously composed the statute laws of the state, are duly considered, it is to be expected that some of our statutory provisions should again require legislative interference.

The existing provisions do not render the assessment and collection of taxes sufficiently certain to ensure the support of the public credit. The act for the assessing and collecting revenue should require that the assessment be made annually at an earlier period, which would afford more time for collection and render the payment to the treasury more certain and less burthensome to the people.[3] The act requires prosecuting attornies in the several counties to prosecute in all cases connected with the revenue, and that suits be instituted against delinquent sheriffs in the name of the auditor, although their bonds be given to the governor and his successor in office; yet it has been doubted whether suits thus instituted could be sustained. This mode of coercing payments from delinquent sheriffs is objectionable on account of the frequent changes made by the courts of their prosecuting attornies, with other coöperating causes, of which the auditor, whose duty it is to direct the institution of revenue suits, being uninformed, produces procrastinations unavoidable, as they are injurious to the revenue.

The better to enforce the payments of the revenue of the state on the part of those charged with collections, it is recommended that all suits connected therewith be instituted in the Harrison circuit court, and that the appointment of an Attorney General be authorized by law whose duty it shall be to prosecute thereon and in the supreme court when the state may be a party—and such other duties as shall be enjoined by law—with such provision for his services as may be deemed adequate and proper.[4]

At present there is no law officer of whom it can be required as a duty to afford legal advice to either of the executive

3. *Laws of Indiana, 1817, Ch. XLII.* The sheriff was the collector of taxes. It was his duty to collect the taxes before Sept. 1. After Oct. 1, it was his duty to levy on property for delinquent taxes and make his settlement with the auditor and treasurer before the second Monday of December. The sheriff had to call personally on each taxpayer. A suit at law for debt was necessary to collect delinquent taxes.

4. This was partially corrected by act of Dec. 31, 1818. The Assembly refused to order all suits brought in Harrison county or to give the supreme court original jurisdiction.

officers of the state, although questions must arise connected with the revenue, as well as other subjects, requiring legal abilities to decide.[5]

To provide ways and means for the support of government for the current year will claim your attention, and the reports with which you will be furnished by the auditor and treasurer will afford a correct view of the finances of the state. [See Treasurer's Report below]

It is believed that a valuable salt spring is known to be within the limits of the late purchase of Indian lands, which, if ratified by the treaty-making power of the United States, and the lands allowed for the use of such saline could be speedily set apart, a revenue would the sooner be derived from that source, while the monopolized article of salt would be furnished at a much cheaper rate to a great portion of our citizens.[6]

The provision of the act organizing the circuit courts that requires all pleas that deny the cause of action when founded on a written instrument to be supported by an oath or affirmation, presents inducements to commit perjury, and is calculated to add unnecessarily to the expense of the suitors.

The act subjecting real and personal estates to execution has left to uncertainty what disposition shall be made of the real property which, after being exposed to sale under execution for the term of seven years, fails to satisfy the demands against it, although a jury under the authority of this statute has determined otherwise. It is believed likewise this act contemplated that the mansion of a debtor should be last taken in execution, and not prior to the expiration of one year after judgment, though from its phraseology the construction is rendered extremely doubtful.

Nearly all the statutes which were in force prior to the last session of the General Assembly have been repealed, but there is no provision that such suits and prosecutions as has been

5. This would have established the office of attorney general. There had been such an office during territorial times but there was none from 1816 till 1855, except from 1822 to 1825. The office was created in 1822 and Harbin Moore served till the office was abolished in 1825. A law of 1826 provided that legal business of the state be attended to by the prosecutor of Marion county. See *Courts and Lawyers of Indiana, 389-403.*

6. This referred to the salt springs on Salt creek Franklin county. See chapter V *Laws of Indiana, 1818, 57.* It was known also at this time that salt was obtainable on Salt creek in Monroe and Brown counties and doubtless this is what the governor had in mind. The latter springs were in the New Purchase, the former were not.

instituted under the repealed statutes should be kept alive and prosecuted to final judgment. This defect, unless remedied, may in some instances tend to prejudice individual rights and lead to the impunity of crime. There are also suits in chancery in which the presiding judges of the circuits have been interested as counsel, and will not progress to trial until the Supreme court is vested with original jurisdiction in such cases and until the mode of transfering those suits from the circuit courts shall be prescribed by law.

The constitution has provided that no act of the General Assembly shall be in force until it shall be published in print, unless in cases of emergency. This provision is too indefinite in its character, and requires legislative aid, either by a general act, or a special clause in each prescribing a certain period sufficiently distant to ensure the promulgation of the laws from which their operation shall commence.

The humane principles of our government forbid the idea that any unnecessary punishment or rigor should be inflicted on those whom misfortune or crime have subjected to imprisonment, notwithstanding the situation of many of our prisons are calculated to invite disease upon limited confinement therein and to inflict punishment before trial.

The internal improvement of the state forms a subject of the greatest importance and deserves the most serious attention. Roads and canals are calculated to afford facilities to the commercial transactions connected with the exports and imports of the country, by lessening the expenses and time attendant as well on the transportation of the bulky articles which compose our exports as on the importation of articles the growth and manufactures of foreign countries which luxury and habit have rendered too common and almost indispensible to our consumption. They enhance the value of the soil by affording to the agriculturalist the means of deriving greater gain from its cultivation with an equal proportion of labor, thereby presenting stronger inducements to industry and enterprize, and at the same time by various excitements invite to a more general intercourse between the citizens; which never fails, in a great measure to remove the jealousies of local interest, and the imbittered violence of political feuds, which, too often produce the most undignified results to our republican institutions, and secretly destroy some of the greatest blessings which social intercourse is calculated to afford.

The success which has attended the exertions of the Jeffersonville Ohio Canal Company affords the flattering prospect of a speedy commencement upon the great object for which the corporation was created, and presents still stronger claims upon the General Assembly to aid its ultimate execution.

It is submitted to your consideration whether the township of land generally known by the name of the "French Lick," which was reserved and vested in the state for the use of a saline, and which is admitted to be of no importance for the manufacture of salt, ought not with the assent of congress to be disposed of, and the funds arising therefrom, under the direction of the Legislature, to be vested in canal stock in behalf of the state.[7]

With the three per cent fund appropriated by an act of congress, it is in your power to lay the foundation of a system of internal improvement coëxtensive with the state which, if managed with economy and a due regard to the objects for which it was intended, will progressively effect the grand purpose without exhausting the means of its progress until it shall have been fully accomplished. Until a site for the seat of government shall be established which will be considered as permanent, from which as a centre substantial leading roads may be made to the important points on the limits of the state, the expenditure of this fund would be disbursed to purposes but limitedly advantageous, if not ultimately useless. This fund, if it were invested in an interest bearing stock, together with its semi-annual dividends, would enable the state after the lapse of a few years to appropriate thirty thousand annually for making roads and canals, without materially affecting its resources; and the experience afforded from the policy of an adjoining state [Ohio] furnishes ample proof of the impropriety of making any disposition of this fund other than such as will accomplish improvements of a durable character. This fund as the subject of a general trust has been committed to your care under a solemn compact between the general government and this state; with no other limitation than that it shall be applied to the use of making roads and canals within the latter, without any expression with regard

7. When the public survey was made the first twelve sections in T 1 N, and 13 to 36 inclusive in T 2 N R 2W were set aside as saline land and given to the state. The salt springs did not produce and after the state had driven a well, in 1826, and had found no salt, permission was asked for and received in 1829 to sell it and this was done a few years later. See *Laws of Indiana*, 1826, and also for 1829.

to the time and manner of its application. These being left to your discretion as the trustee, no good reason can be assigned why congress might not countenance such measures, not inconsistent with the trust, as you may deem best calculated to further the interest of the state, for whose benefit it was originally designed. Such a disposition of the fund would enable the state within a few years to commence upon a system of internal improvement, while the intermediate time would greatly enlarge the means of its execution, the number of laborers would be multiplied, the price of labor rendered more reasonable; and if invested in the authorized stock of the state[8] would aid in supporting a circulating medium so necessary to give impulse to our industry and enterprize, the want of which is seriously felt by almost every description of our citizens.

The products of our soil, which form the basis of our public and private wealth, are unavoidably disposed of for a depreciated medium upon which, when applied to the payment of a debt due to the United States, a loss must be sustained, from five to ten per cent; and in this indirect but certain mode, the hard earnings of the laborious and farming interest of the country is most exorbitantly taxed, by a mere regulation adapted to the interests of the stockholders of the National bank, [Second Bank of the United States] aided with the power from the treasury department, of preventing all other paper from being received in payments to the United States. The power which this bank exercises over the payments to the United States treasury has greatly involved those who have become public debtors for lands purchased under the general belief that the paper of solvent banks would continue to be accepted in discharge of such demands against them. But the operations of this institution prove its intention of gradually destroying the reputation of the state institutions, disenabling thereby those who are indebted to the United States to meet their payments in due time to avoid a heavy interest or forfeiture, which must result in immense sacrifices on their part and commensurate opportunities for speculation for those who can command funds which are receivable, unless congress shall interfere in their behalf.[9]

8. It is not clear just what the governor had in mind. It may have been either state bonds or stock in the Jeffersonville canal or the Vincennes bank.

9. The governor here refers to the business called note-shaving. The banker refused to accept any except certain kinds of money. This he usually could furnish to the man who applied to make a payment on his land. For thus exchanging his money the banker usually charged ten per cent. This practice lost the bank the respect of the western people.

With an entire confidence that these and such other subjects as your superior wisdom may suggest, connected with our inestimable religious and political privileges, will meet your consideration, with that moderation and concert so essential to the important trust committed to your charge, you have the assurance of my coöperation in every object calculated to promote the prosperity of the state and the happiness of its citizens.

JONATHAN JENNINGS

ANNUAL REPORT STATE TREASURER

CORYDON December 10 1818

House Journal, 1818, 142-144

The auditor of the treasury in obedience to an act of the General Assembly entitled, "An act concerning the Auditor of Public accounts and the Treasurer of state," submits the following report viz:

There was remaining in the hands of the treasurer on the 29th November 1817.....	$3,820.76
Since that period there has been received on loan.	5,000.00
From sundry sheriffs from the first Dec. 1817 to Dec. 1st 1818.....	9,101.15
And since the dates aforesaid.....	5,616.69¼
Making a Total.....	$23,538.60¼

Within the periods above mentioned there has been audited, in liquidation of the accounts of the last General Assembly.....	$10,203.90½
In liquidation of the officers of the judiciary....	5,570.35
In liquidation of the accounts of the executive officers	1,878.00
In liquidation for wolf scalps.....	959.00
In liquidation of territorial warrants.....	66.66
In liquidation of interest arising on loans.....	1,084.00
In liquidation of the contingent expenses.....	108.11½
Making a sum Total.....	$20,022.83

Leaving in the hands of the treasurer on the 16th Dec. 1818 provided the warrants audited as aforesaid have been paid at the treasury... $3,515.77¼
Amount due and unpaid from sundry counties for the years 1817 and 1818..... 11,146.35½
And from the counties of Gibson and Wayne no duplicates have been received for the present year no estimate can therefore be made of revenue that may be derived from thence.
On the bond executed by several citizens of Harrison county for one thousand dollars suit has been instituted and judgment obtained which when paid will add..... $1,000.00

Respectfully Submitted
WM. H. LILLEY, *Aud't. of P. Acct's.*

The treasurer, in obedience to the act of the General Assembly, entitled "An act concerning the Auditor of public accounts and Treasurer of State," submits the following:

That there was remaining in the Treasury on the 29th of November, 1817.....	$4,195.74
That from the 29th of November, 1817, to the 16th December, 1818, there has been received on loan	5,000.00
Within the periods above mentioned there has been paid into the treasury by sundry sheriffs.	14,717.82
	$23,913.56

Within the period above mentioned there has been paid at the treasury, in discharge of the territorial debt	$66.66
In payment of the officers of the executive.....	2,078.00
In discharge of the contingent expences of government	108.11½
In the payment of the officers of the judiciary...	5,207.15
In the payment of the members of the General Assembly and incidental expenses thereon....	9,753.45
In payment of the interest on the loan.....	1,084.00
In payment of claims for wolves destroyed.....	823.00
In payment of the Militia.....	126.80
Making the sum of.....	$19,247.18

Leaving in the treasury, on the 16th of December, 1818	4,666.38
	$23,913.56

Respectfully submitted.

DANIEL C. LANE, *Treasurer of State*

SPECIAL MESSAGE: TRANSMITTING CONGRESSIONAL DOCUMENTS

December 10, 1818

Senate Journal, 1818, 18

THE HONORABLE, THE PRESIDENT OF THE SENATE OF THE STATE OF INDIANA:

SIR,—Herewith I transmit for the use of the Senate copies of the *Journal* of the Senate and House of Representatives of the Congress of the United States, of the first session of the Fifteenth Congress.[1]

With great respect,

Yours Obediently

JONATHAN JENNINGS

SPECIAL MESSAGE: TRANSMITTING RESOLUTIONS FROM VARIOUS STATES

December 19, 1818

Senate Journal, 1818, 41

THE HONORABLE THE PRESIDENT OF THE SENATE:

SIR,—From the Governors of the States of New Hampshire, Vermont, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Ohio and Mississippi, I have received sundry resolutions, copies of which are herewith transmitted to the Senate; and likewise of a communication from the corresponding secretary of the American Antiquarian Society [*of Worcester, Mass.*].[2]

JONATHAN JENNINGS

1. Such documents were transmitted annually and placed in the State library. No further notice will be taken of them.

2. These resolutions pertained to the mode of electing presidential electors by district. For a discussion of it see *Annals 15 Con., 2 Sess. I, 137.*

SPECIAL MESSAGE: ANNOUNCING THE RESIGNATION OF JOHN TEST FROM THE THIRD CIRCUIT BENCH

December 23, 1818

Senate Journal, 1818, p. 58

THE HONORABLE THE PRESIDENT OF THE SENATE:

SIR—I announce the resignation of the honorable John Test,[1] as President of the Third Judicial circuit; and that it will be necessary for the Senate to take the necessary measures to supply the vacancy occasioned thereby.

JONATHAN JENNINGS

SPECIAL MESSAGE: RESOLUTION OF GENERAL ASSEMBLY OF ILLINOIS

CORYDON, January 5, 1819

House Journal, 1818, 218

I present to the House of Representatives, copies of resolutions adopted by the General Assembly of the state of Illinois, and the original of which was transmitted by the governor of that state, with the request that they be submitted to the General Assembly of this state.[2]

JONATHAN JENNINGS

1. Judge John Test had succeeded Jesse Holman (December 16, 1816) on the bench of the Third circuit when the latter went on the Supreme bench, and served till January 2, 1819, when Alexander Meek succeeded him. He was a member of the famous old Franklin bar when General Noble and James Brown Ray were in their heydey. He was a native of Salem, New Jersey, a state that furnished Indiana a number of able lawyers in the first decade of its history. After many years of practice, he removed to Mobile, Alabama, but soon returned to Indiana and died on October 9, 1849, at Cambridge City. He served in congress from 1823 to 1827 and again from 1829 to 1831.

2. "*Resolved* by the General Assembly, of the State of Illinois, That the Senators, and Representatives, in Congress from this State, be requested at the next session thereof, to use their exertions to procure the passage of a law, authorizing the appointment of Commissioners to view, and mark out a road, as a continuation of the National road, from Wheeling, to the seat of Government, for the State of Ohio, thence to the contemplated seat of Government for the State of Indiana; thence to St. Charles, on the Missouri river, on the nearest route, and best ground that can be selected; and that they also be requested to use their exertions to procure the passage of a law, authorizing a survey of the public lands through which the same may pass, and to appropriate the proceeds arising from the sale of each unappropriated section thereof, through which it shall pass to opening and improving the same.

Resolved, That the Governor of this State, be requested to forward one copy of the foregoing resolution to each of the members of Congress, from this State, at the next session, and one copy to the Speaker of the House of Representatives, and one copy to the Governors of the States of Ohio, and Indiana, and request them to lay the same before the General Assembly of those States, respectively, at their next session, for their consideration.

Annual Message

December 7, 1819

Senate Journal, 1819, pp. 10-19
Western Sun, December 25, 1819
Corydon Gazette, December 11, 1819

Gentlemen of the Senate, and of the House of Representatives[1]

At no period perhaps since the operation of the state government has the situation of the country at large been more embarrassed nor required more of the fostering interposition of legislative support. Though our citizens generally be much less shackled with difficulties than those of adjoining states,

1. Following are the members of the Assembly of 1819:

SENATORS

County	Name
Wayne and Randolph	Patrick Baird
Clark and part of Floyd	James Beggs
Harrison, Crawford and part of Floyd	Dennis Pennington
Gibson and Pike	Isaac Montgomery
Dearborn	John Gray
Vanderburgh, Posey, Warrick, Spencer and Perry	Elisha Harrison
Switzerland, Jefferson, Jennings and Ripley	William Cotton
Franklin and Fayette	William C. Drew
Washington, Orange, Jackson, Lawrence and Monroe	Alexander Little
Knox, Sullivan, Daviess, Vigo and Owen	William Polke

S-J-1819-3-4

REPRESENTATIVES

Mr. Graham, from the Committee of Elections, reported, that the committee had examined the certificates of election committed to them, and that they find the following members duly elected and entitled to their seats as members of the House, viz.:

County	Name
Wayne	Joseph Holman, John Sutherland and Robert Hill
Franklin	Enoch D. John, Allen Crisler and Conrad Salor
Dearborn	Samuel Jelly, and Isaac Morgan
Switzerland	Samuel Merrill
Jefferson	Williamson Dunn, and Jeremiah Sullivan
Clark	John H. Thompson, Andrew P. Hay, and John F. Ross
Washington	Samuel Milroy, and Samuel Lindley
Jackson	William Graham
Harrison	William P. Thomasson, John N. Dunbar and Jacob Zenor
Perry	John Ewing
Warrick	Daniel Grass
Posey	Dan Lynn
Orange	Samuel Chambers
Gibson	Robert M. Evans, and John W. Maddox
Knox	Thomas H. Blake, Joseph Warner, and Peter Allen

H-J-1819-27-28

and although we can derive from such reflection no consolation whatever, it should nevertheless stimulate us to renewed exertions, by wise and timely measures, to avert public and private distress, so far as the ultimate good of the whole will render our object practicable and proper. Under the existing pressure, the extent of which is almost unlimited, we have however ample cause to call forth our gratitude towards the Omnipotent Disposer of events, whose goodness, during the past season, has blessed us with unbounded health, the enjoyment of peace and a sufficient supply of the productions of the earth, notwithstanding the unusual season which we have experienced.

The subjects which appear to require more immediately the deliberations of the General Assembly, although limited in their number, are for the most part important to the community, and demand the united efforts of the wisdom and experience of the legislature.

The system under which the revenue is assessed and collected requires a thorough change to insure an impartial collection, as well as prompt payment into the treasury. The public credit must be supported, or the public faith will be materially injured. The former cannot be considered as secure without the present system shall be materially changed or gives place to another substantially different in its provisions. The assessment, under the present system, is unnecessarily and unreasonably delayed, which affords so much the less time for individuals to prepare for payment, and for the officer to collect the taxes. An annual assessment for state purposes might be rendered unnecessary, when one being faithfully performed, if afterwards the owners of property subsequently becoming subject to taxation, by payment being made to the United States were required by law to report such property to the proper officer for the purpose of being enrolled with like objects of taxation. The proper vouchers for the officers charged with the collection of the revenue should be placed in their hands as soon as practicable after the time required by law, for the annual payments into the treasury; and their property, as well as that of their securities, from the time of executing the bond required, should be held subject to the claims of the government until they shall have been adjusted and satisfied. Such a course would render unnecessary the enactment of laws for the relief of

collectors, so common to our statutes, by facilitating their collections while discharging the duties more directly connected with their official situations, and with much convenience to the people.

In the collection of the revenue there is too much uncertainty and delay, when coercion becomes necessary, growing out of the present regulations. It is hardly to be expected that either of the treasury officers should attend the courts, at different points throughout the state, to urge the legal measures for collection. On the part of the several prosecuting attornies of the different counties, there is not such responsibility to the treasury department as to secure the punctual collection of the revenue, in cases of delinquency. The frequent changes of those officers by the courts, in many instances, require that all legal proceedings necessary to our financial system be instituted in the county where the seat of government is or may be located, where the public records will furnish, at all times, such evidence as the interest of the government may demand.

Connected with this subject, a law authorizing the appointment and defining the duties and emoluments, as may be deemed proper, of an attorney-general is recommended to your impartial consideration. Questions frequently occur which require the aid of legal abilities in all the branches of the executive department. Sometimes cases are brought up to the supreme court in which the state is interested, and no officer to prosecute in its behalf. An attorney general might be made the responsible officer to prosecute and collect all sums due to the state from delinquent creditors or otherwise, under such regulations as may be prescribed for that purpose. To collect the revenue with certainty, and with the least distress to the community, is materially important; and it ought not to be supposed that the citizens will hesitate to defray the necessary expenses of the government, when the public money is guarded with economy and disposed of only as they by their representatives may direct. But those who manage the monied concerns of the state should not be considered accountable for the public credit, if the necessary measures are not provided and the power afforded to render secure such provision as may from time to time be made.

The resolution of the last General Assembly "Authorizing the reception of bank notes for debts due to the State, and

for other purposes," is qualified to produce, and has in some instances produced, difficulties in making payments to the treasury. The paper of a portion of those enumerated banks have been current in one section of the state, and entirely the contrary in another; and although such notes may have been current when the collector received them in payment of taxes, yet in the lapse of a short period their credit may have been materially injured, and of course the treasurer of the state neither authorised nor bound to receive them. When collectors receive them under the authority of the resolution, and the same instrument in such cases requiring the treasurer not to accept them in payment of the revenue, any loss which must thereby accrue should be sustained by the state, and not by the public agents. Moreover, the practical operation of the resolution has given currency to depreciated foreign paper; and what is much to be regretted, has prevented the payment of the annual interest on the public debt.

The embarrassed situation of our circulating medium has produced effects distressing to the community, especially to the farming interest and those who are indebted to the United States for the purchase of lands. The balance of trade in its operations against the western country, and the vast consumption of objects of luxury and articles of foreign manufacture, have chiefly produced the difficulties under which we labor. The late war with Great Britain, from our local and exposed situation, becoming in part the seat of war, necessarily threw into circulation among us a greater quantity of the circulating medium than we had been accustomed to witness, producing an inordinate disposition for speculation, which, together with the enormous quantities of foreign merchandize introduced into the country with the return of peace, have created numerous debts, and in some instances of considerable amount. The payments which these debts require, together with the payments to the United States for lands, have drained to a considerable degree, and will continue to draw from the country, its most substantial capital; and it will be difficult to extend relief by legislative provisions without doing injustice to some, or interfering with long established principles.

Whether additional time shall be allowed for replevy, after judgment rendered, and the bonds arising thereon be made assignable by law; or whether the creditor shall be obliged to

accept the property of his debtor in the discharge of his demand, at a valuation, will require the wisdom of the General Assembly to determine. If the embarrassments of the people should require the adoption of either course, both of which are encumbered with numerous difficulties, and more particularly the latter, that course ought to be preferred which would operate most impartially on the community. It cannot be presumed that present judgments can be effected by laws subsequently enacted, which would place the unforbearing creditor in a better situation than those whose humanity and forbearance presents a different character. Besides, if the latter be once adopted, it will be difficult on the principles of justice, to ascertain the period when its operations should cease.

The demands in favor of the United States on many of our citizens, which must be paid in money or subject them to consequent forfeitures, present a still greater objection to such a change in the satisfaction of debts, and will no doubt meet that attention to which it is entitled. Whenever throughout the country the amount of debts contracted exceed the means of payment, a general pressure must inevitably ensue, and the deleterious effects of which will extend to all the monied institutions of the country as well as to individuals.

In this state of general pressure and alarm, the suspension of specie payments, which has become so general in the western country, has afforded an opportunity for speculation in bank paper, which has been practised upon the unwary and unadvised to an enormous extent; and it is now difficult to determine whether the situation of the banks, or the demoralizing practice of shaving their paper, produces the greatest injuries to the community.

The State Bank at Vincennes has recently furnished such report as may develope the concerns of the Bank and its branches, which will be submitted at an early period of the session. Whatever provisions may be deemed necessary by the General Assembly in relation to the banks within our own state, it will be important to have a due regard to the course of the banking institutions of adjoining states, that no advantage may thereby be taken of our own institutions; and to guard against increasing incidentally the existing difficulties.

The Jeffersonville Ohio Canal company has made considerable progress towards the accomplishment of the object of their association, and should be aided by the resources of the

government. A township of land situated in the county of Orange, [French Lick] which was reserved by congress, and afterwards granted to the state for the purpose of making salt, has proved to be of no importance in respect to the original object; and with the consent of the general government might be sold, and the proceeds vested in Canal stock in behalf of the state. The application of the funds arising from such a source cannot be objected to by representatives in congress from other states, and it is hoped that the ultimate execution of an object so interesting will attract the particular attention of the General Assembly. The dividends arising therefrom might be directed to further objects of internal improvement, or the purposes of education, as the representatives of the United States and of this state might deem the most expedient.

The constitution has made it "the duty of the General Assembly, as soon as circumstances will permit, to provide by law for a general system of education." The lands reserved for the use of the seminary of learning are vested in the legislature, to be appropriated solely to that purpose; and it is submitted for your consideration whether the location of such institution upon or near such lands, would not greatly enhance their value and enlarge the funds for a purpose so important. It is believed that the seminary township, situated in Monroe county, would afford a site combining the advantages of fertility of soil with a healthy climate, as well as a position sufficiently central to the various sections of the State. To authorise the sale of a portion of those lands, under judicious regulations, would increase the value of the residue, and the sooner enable us to lay the foundation of an institution so desirable. But the proceeds of such sale, however, by the ninth article of the constitution, is required to be and remain a fund for the exclusive purposes of literature, which indicates that the proceeds alone of such fund were intended to be subject to expenditure.[2]

The money which has been and will be paid as an equivalent by persons exempt from militia duty, except in times of war, is required by the constitution to be applied in equal propor-

2. By the terms of the Enabling act Indiana was given a township of land for seminary purposes. The township was designated by President Madison July 10, 1816. It had been surveyed in 1812. The town of Bloomington was later located adjoining the seminary township on the north. The Constitution forbade the sale of any seminary land before 1820.

tion to the support of county seminaries, and renders some legislative provision necessary to effect such a distribution. To enlarge the means of education, by fostering the resources under the control of the General Assembly, and to hasten the period when those means may be practically and constitutionally applied, will merit your timely and judicious attention. The future reputation and prosperity of the state must greatly depend upon the means of education being generally diffused, and attended with the least possible expense. Ignorance has generally been the offspring of despotism, and ruinous to the rights and liberties of mankind. When the exercise of the most invaluable rights, and the discharge of the important duties of freemen, are connected with ignorance and the privation of the means of education, the views which may be dictated by an honest concern for the public good are at all times liable to be thwarted by the designing and ambitious. The blessings of liberty can only be appreciated, and rendered ultimately secure, when, by the means of education, useful information is generally diffused. Its importance will be obvious to the legislature, and will no doubt receive that consideration which its consequence and beneficial results may require.

The opening and improving of public roads and highways presents itself as another subject of general interest. The recent population and improvement of a considerable portion of the state adds materially to the labor or expenditure to be sustained by the people; and with regard to the different modes which have been suggested, and the various objections to them, from being more generally acquainted with the situation of the country, and the feelings of the community, you will be better able to decide in relation thereto what provisions, if any, should be necessary.

The Militia law may require amendments, and particularly with regard to the time required for making returns to the office of the adjutant-General, of the strength and situation of the militia. Returns should be made at an earlier period, and some provision calculated the better to enforce the discharge of this duty seems to be necessary. A want of strict attention to the inspection and return of the numbers of our militia has deprived the state of a considerable portion of arms, to which the state would otherwise have been entitled under the act of congress making provision for arming and equipping the militia of the United States.

Difficulties have been often experienced between officers of infantry and artillery, when the latter is attached to the former either for duty or parade; and the same effects are to be expected in relation to the dragoons, under like circumstances. Considering the number of companies of artillery and dragoons, to authorise the selection of a major to command each corps would advance the public good, by guarding against difficulties not otherwise to be avoided. It is to be lamented that the frequent resignations of officers, and consequent changes of command, materially retards the progress of improvement in military knowledge. Of the officers, more time should be required to be spent in the practical discharge of military duty, especially in drills of the brigade; and, until the officers are made more familiarly acquainted with what it becomes them to teach their subordinates, it is almost useless to require of the privates their attendance at the times at present prescribed by the existing law. The business of the office of the adjutant general is continually increasing, and requires an additional compensation, which, under the importance of a faithful and punctual discharge of the duties attached to it, is recommended to your consideration.

The late extinguishment of Indian title to lands within our State, and the progress of the United States' surveys, require that provision should be made to select and locate a site for the permanent seat of government; and the manner in which such location shall be effected, as well as the number of persons to be employed in the selection, would devolve on the General Assembly during the present session. The extent and fertility of those lands has induced individuals to anticipate in their settlements the surveys and sales of the United States, and renders it necessary that a temporary extension of limit should be given to the northern frontier counties to facilitate the execution of the laws. The additional population which the late purchase will induce to the neighborhood of Fort Wayne, as well as the interest of the present inhabitants of that portion of the state, will occupy a portion of your deliberations.

The annual report of the treasury officers will afford you a correct view of the receipts and expenditures of the government for the year past; and I have much satisfaction in offering the assurance that the situation of the records will meet your entire approbation. From those exhibits, in some meas-

ure, you will be enabled to form an estimate necessary for the current year, including the interest on the public debt, which has or may become payable.

In the discharge of our relative duties, dispassionate discussions and an undeviating regard to the welfare of the state and the interest of our constituents will, I have no doubt, characterise your deliberations; and in every purpose calculated to promote these objects, a cordial coöperation on my part will be cheerfully afforded.

JONATHAN JENNINGS

INAUGURAL ADDRESS OF GOVERNOR JENNINGS SECOND TERM

December 8, 1819

Corydon Gazette, December 18, 1819
Vincennes Western Sun, December 25, 1819

Deeply impressed with the solemnity of the occasion, and with sensations the most grateful towards my fellow-citizens, I should ungenerously repress my own feeling if, on this occasion particularly, I were not to offer my acknowledgments for the repeated instances in which their confidence has been so liberally bestowed. To discharge with integrity the duties incident to that confidence, and connected with the important situation which it assigns me, is required, not only by those ties which cement the social compact, but by public and most solemn appeal. Directed by such considerations, and sensible of my own inability, I shall again enter upon the discharge of my official duties, relying on the forbearance of the community and the generous support from its representatives.

Before retiring, however, imposing precedents seem to require some general declarations, and it may be proper to connect them with the constitutional term which expires with the present event.

From the nature of the change which we have lately undergone from a territorial government to an independent sovereignty, reflection was only necessary to foresee that to unite public good and public opinion in the discharge of important duties would thereby be rendered more intricate. The great diversity of political maxims and opinions to which our citizens have been accustomed, their habits and manners differing as widely as those of the states from whence they emi-

grated, and entertaining likewise the prepossessions and prejudices which were common to the rounds of their former residence, are considerations which conspire to render time, with prudence and perseverance, necessary if we shall approximate towards an uniformity and stability in our public regulations. Having little more than entered upon the threshold of self-government, experience is necessary to afford correct views of our duties and enjoyments.

Differing opinions will arise, however, in relation to the practice and construction of the principles of our government; but the more important the subject matter upon which opinions may differ, so much the more does the nature of our institutions, the genius of our citizens, as well as our best future hopes, require that moderation and propriety should be more conspicuous. The widest results are only to be expected from calm deliberations; and such objects will be best secured by the dissemination of useful knowledge, and inculcating a proper respect for the government and its laws, both emanating from the great fundamental principles of free government, that the will of the majority shall rule, when constitutionally expressed. The free communication of thoughts and opinions, being wisely and amply secured by our constitution, it is to be expected that every subject of general concern, whether constitutional or otherwise, will produce conflicting opinions; but from these the welfare of the community has little to apprehend, if decorum be regarded and the important idea of divided powers and consequent responsibility be not confounded with views of expediency.

The powers of our government are expressly drawn from the people to promote the welfare of all, and those powers which are not granted remain with the people themselves. These granted powers, and for the wisest purposes, are divided and their exercise committed to different magistracies; that each should act in its proper sphere, producing mutual checks, and at the same time moving on harmoniously in the discharge of their relative duties, neither exercising "any of the power properly attached to either of the others," except in the instances expressly permitted by the constitution. To assume the exercise, by one branch of government, of any power exclusively vested in another, would equally endanger the constitution, as the exercise of any of those powers which are reserved to the people, both would be dangerous and cal-

culated injurious to affect public liberty and social order. Every new system of government, as well as that under which we act, has produced and will produce important questions, which at all times had better be referred for decision to that power, whose jurisdiction is indisputable; but questions, the importance of which does not dictate the propriety of such a course, can safely be referred for adjudication to the integrity of public opinion. Time will be indispensably requisite to settle the principles of our constitution, and decisions thereon, even if delayed, should be derived from that tribunal whose decision when had would be paramount to every other but the original power by which the instrument itself was constituted; and in settling constitutional difficulties, there can be no concurrent jurisdiction, unless expressly provided for, while the exercise of such jurisdiction in any other instance, must be by implication, and against the letter of the constitution.

Whatever may arise, however, to agitate the public minds, the most certain means of adjustment will be derived from consulting the good sense of the people, in whom is vested the *dernier ressort*; and let the exciting cause be what it may to disturb the peaceful feelings of society, much should be yielded as an offering to social intercourse and tranquility, unless it be intimately connected with settled principles or positive duty. To promote the general happiness and security of the people is the object of every well-regulated government, and should be the intention of every of its members, when it is recollected that individual welfare, as well as that of posterity, is intimately blended with that of the community. Every citizen, indeed, should consider himself a guardian of the public welfare, to correct by reason and persuasion the errors of his own time, and to inspire those to whom public trust is or may be confided to estimate the public weal as pre-eminent to every personal or local object. In a republican government, there are political maxims indispensably to be regarded, of which an undeviating regard to public justice, and a steady adherence to virtue, may be considered among the most leading and essential; and "no mischief, no misfortune, should deter us from a strict observance of justice and public faith." A different course, must invariably produce a general want of confidence in our government, succeeded by a train of evils calculated to undermine the basis of its superstructure, and destroy the firmest pillars of its support.

Such, fellow-citizens, are in part the views and opinions which have and will predominate in my mind, especially in the discharge of public trust; intending at all times to pay due respect to public opinion and consult it, when it be practicable, through the channels of public welfare. In the discharge of my duties, however, difficulties were expected, and such expectations have not been disappointed. No assistance could be derived from the practice of predecessors; everything was untried and without precedent, unless derived from other states, while the principles of the government were to be applied, so far as was practicable to the character and habits of the people. If, notwithstanding, under these and other difficulties, my official conduct shall have met the approbation of my constituents, I have realized that reward for my exertions which equals my fondest hopes and satisfies my highest expectations.

SPECIAL MESSAGE: VACANCIES IN THE CIRCUIT COURTS

December 9, 1819

Senate Journal, 1819, pp. 28-29

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Since the adjournment of the last session of the General Assembly, vacancies occurred in the offices of presiding judges in the First, Third, and Fourth judicial circuits; by the resignation of General W. Johnston,[1] Alexander A. Meek,[2] and

1. General Washington Johnston was a native of Culpepper county, Virginia, born November 10, 1776, and located in Vincennes in 1793. He was the first attorney admitted to the Knox county bar, was a prominent member during his day, and continued in the practice until his death. He was auditor of the territory in 1813; commissioned treasurer of Indiana territory May 29, 1813, and served until the state was admitted into the Union; was several times elected a member from Knox county to the territorial legislature, and was elected Speaker during the second session of the Second and the Third territorial legislatures. General Johnson was the first postmaster at Vincennes, and, of course, the first postmaster in all the territory now comprised within the states of Indiana, Michigan, Illinois and Wisconsin.

He was twice appointed judge of the court at Vincennes, serving, however, but a short time under each appointment. He died at Vincennes, October 26, 1833, and was buried in the public burial ground. The house in which he lived, built partly of adobe, after the old French style, with a long porch in front, is still standing in a good state of preservation. More than any other person he helped organize the first Masonic lodge in Indiana—Vincennes Lodge No. 1, which still exists.

McDonald, *History of Free Masonry in Indiana, 37*

2. Alexander A. Meek was born in Ireland about 1786, and with his parents emigrated to this country when quite young. As did nearly all the first settlers in the Northwest territory, he undoubtedly floated down the Ohio river on a flat-boat from Pittsburgh, which was a general place of embarkation, and finally located at Cincinnati, where he is said to have entered upon the study of law with Arthur St. Clair,

David Hart.[3] These vacancies were supplied during the recess, by the appointments of Jonathan Doty[4] to the First, John Watts[5] to the Third, and Richard Daniel[6] to the Fourth judicial circuits, as presiding judges. These appointments, however, will necessarily expire with the present session, and will require the interposition of the General Assembly.

These frequent changes in the judiciary are calculated to

son of General St. Clair, and afterwards became one of the most noted practitioners in Indiana. During the war of 1812 he served as lieutenant in the regular army of the United States. At the close of the war he married and settled in Madison, Ind., and engaged in the practice of the law. In 1817 he formed a partnership with Major Henry P. Thornton, a distinguished Mason and the first Grand Secretary, who had just removed from Bourbon county, Kentucky, which partnership continued for several years.

He was afterwards elected brigadier-general in the state militia, and appointed Major Thornton his brigade inspector. On the admission of Indiana into the Union he was appointed by President Madison United States attorney for the First district, in which he served until his death, which occurred in 1821. One who knew him well pays this tribute to his personal worth: "He was a well-trained and successful lawyer, a noble, generous, chivalrous man, and possessed of the characteristic warm-heartedness of his native isle." He was the second Grand Master of the Grand Lodge Indiana Masons. When the convention re-met at Madison, January 12, 1818, to perfect the organization of the Grand Lodge, being the oldest Past Master present, he was accorded the honor and distinction of presiding over the preliminary deliberations. When the representatives present went into the election of officers, Alexander Buckner was chosen Grand Master and Alexander A. Meek, deputy. At the election September 15, 1818, Grand Master Buckner having left the State, Meek was elected Grand Master, and served until September 14, 1820. McDonald, *History of Free Masonry in Indiana, 326*

3. David Hart, in March, 1817, succeeded William Prince in the old First circuit. He was an attorney from Gibson county. He rode the First circuit about one year, being succeeded by Richard Daniel, January 2, 1819. His father had been interested in the Transylvania land deal, coming originally from North Carolina. Judge Hart came from Kentucky to Princeton in 1815. He went to Evansville about the time the town was laid out and became interested in real estate. He evidently died in December, 1818, since the records state that Richard Daniel was commissioned January 2, 1819, "Vice Hart, deceased." His family returned to Lexington after his death. The traveler, W. Faux, who was in Princeton toward the close of 1818, speaks of Judge Hart as a gay, humorous man of twenty-five. He was proprietor of a tavern, dressed in an old white beaver hat, coarse, threadbare coat and trousers made of domestic, yellow-striped waistcoat, out at elbows; yet clean and refined in language. He told Faux that the legal profession was the least profitable occupation in the country and "merchandising" the most profitable. Esarey, *Courts and Lawyers of Indiana, 62*

4. Jonathan Doty was born in Somerville, New Jersey, and was a graduate of Princeton college. He came to Vincennes when a very young man but must have had winning and attractive manners as he was elected soon after, and became president judge of the Knox circuit court. He did not hold the position very long, as he died during his first term, February 22, 1822. Cauthorn, *History of Vincennes, 194*

5. In the Third circuit, John Watts, of Dearborn, succeeded (February 2, 1819) John Test, of Franklin, as president judge. He was a Baptist pioneer preacher, an excellent man, large, fleshy, plain of dress and speech. He was not a lawyer of any note, but a man of good judgment. He served only about one year and was succeeded on January 21, 1820, by Miles C. Eggleston, the best-known trial judge of early Indiana, if he has had a superior at any time in the state.

6. On January 2, 1819, Richard Daniel, of Gibson county, was commissioned to succeed David Hart on the First circuit. Judge Daniel was not widely known, serving less than a full year. According to tradition, he had many peculiarities. He was a busy practitioner on the circuit, as the records show, both before and after his judgeship. On January 21, 1820, he was succeeded by James R. E. Goodlet.

lessen the advantages to [the] community intended by the constitution to have been afforded. Under such circumstances, taking into view the resources of the state, the representatives of the people will determine on that course which may be calculated to produce the least possible disadvantage to their constituents.

There have been received for the use of the government a part of the laws of the United States, and various state papers, as well as the laws of some of the states; and it is important that some provision be made for an interchange of laws with the different states of the Union. From several of the states such requests have been made, and will be therefore entitled to the respectful attention of the legislature.

JONATHAN JENNINGS

ANNUAL REPORT OF STATE TREASURER

TREASURY DEPARTMENT

CORYDON, the 9th Dec. 1819

House Journal, 1819, 42-43

The treasurer in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of Public Accounts, and Treasurer of State," approved the 11th of December, 1816, submits the following report:

That there was remaining in the hands of the treasury department on the 16th of December, 1818, the sum of.....	$4,451.18
That from the 16th of December, 1818, to the 4th of December, 1819, inclusive, there has been received from sundry sheriffs the sum of.....	7,399.51
Making a sum total of.....	$11,850.69
From which there has been deducted the sum of $91, which is authorized by a joint resolution of both Houses of the General Assembly, dated the 1st of January, 1819.....	$91.00
Leaving the sum of.....	$11,759.69

Within the periods above mentioned there have been paid at the treasury, to the officers of the executive department	$2,542.00
In payment of the officers of the judiciary department	3,977.78½
In payment of warrants audited for wolf scalps..	346.00
In payment of the members of the General Assembly, and incidental expenses attendant thereon.	4,411.88½
In defraying the contingent expenses of government	318.87½
In payment of militia claims.....	105.36
Making the sum of.....	$11,701.90½
Leaving in the treasury on the 4th of December, 1819, a balance of.....	$57.78½
Including a payment this day made in the Treasury of $54	$11,756.69

Within the periods above mentioned, there has been deposited in the treasury by Elisha Denna, superintendent of the Rock Lick Section, the sum of 71 dollars; all of which, is respectfully submitted.

DANIEL C. LANE,[1]
Treasurer of State

SPECIAL MESSAGE: THE STATE BANK AND FEDERAL BANKS

December 10, 1819

Senate Journal, 1819, 33

TO THE HON'BLE, THE SENATE AND HOUSE OF REPRESENTATIVES:

Herewith will be submitted to the General Assembly, copies of the communication received from the State Bank, and re-

1. Daniel C. Lane was a resident of Corydon. The old Constitutional Elm shaded his house. He was personally acquainted with most of the members of the Assembly. He was born in Virginia in 1766 and came to Corydon shortly before the state was admitted. He was a member of the constitutional convention and served as treasurer of state from 1816 to 1823. He was greatly embarrassed by difficulties with the state bank and by his opposition to the Vincennes bank incurred the enmity of leading politicians, including the governor. He represented Harrison county in the state senate, 1827, 1828, 1829, dying at Indianapolis January 6, 1830, while attending the Assembly. He was buried in Greenlawn cemetery, Indianapolis.

ferred to in my message of the 7th instant; together with copies of resolutions and a proposed amendment to the Constitution of the United States received from the Governor of the State of Pennsylvania.

The object of the proposed amendment is to take from the Congress of the United States the power of establishing any bank, or monied institutions, except their location be confined to the limits of the District of Columbia.

Such a proposition, emanating from a source so respectable, and embracing a subject of the highest importance, is recommended to your particular attention.

JONATHAN JENNINGS

ENCLOSURE 1

REPORT OF THE BANK OF VINCENNES

Corydon Gazette, December 18, 1819, p. 2

The State Bank of Indiana, as submitted by the Governor, and laid before the General Assembly, for the 1st Dec. 1819

Notes discounted		$155,706.08
Loaned to State		25,000.00
Specie		65,267.34
Western Bank Notes		15,411.00
U. States' do. do.		7,660.00
Southern do. do.		1,060.00
Eastern do. do.		1,081.00
Vincennes branch do.		691.00
Deposited in different banks		5,534.55
Do. Branch U. S. Louisville		77,373.75
Do. do. Washington City		27,000.00
Do. Bank of Kentucky		20,000.00
Brookville branch bank		93,953.77
Corydon branch bank		78,010.52
Vevay branch bank		72,666.31
		$646,415.32
Capital paid in	$127,624.00	
Balance of dividends	8,217.89	
Vincennes notes in circulation	9,658.00	
Do. 6 months notes do.	11,004.00	
Do. Branch notes issued	149,153.00	

Deposited to cr. different banks	3,027.60
Do. Bk. U. S. use Treas. U. S.	102,932.96
Do. Treasurer U. States	216,216.31
Do. Individuals	16,580.71
Profit and Loss	1,940.85
	$646,415.36

ENCLOSURE 2

House Journal, 1819, pp. 53-55

TO HIS EXCELLENCY, THE GOVERNOR OF INDIANA, at Vincennes [Corydon]:

That all power is inherent in the people and all free governments are founded upon their authority, and instituted for their peace, safety, and happiness, are the fundamental principles of republicanism.

To prevent the peace, safety, and happiness of the people from being endangered, political orthodoxy teaches that they ought never to delegate a power which they can exercise with convenience themselves.

In proportion as the capital of a monied institution is increased, and its direction is removed from the body of the people, so also will be its power and inclination increased to do evil and tyrannize. Therefore,—

Resolved, By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, that the following amendment be proposed to the Constitution of the United States, viz:

"Congress shall make no law to enact or incorporate any bank or monied institution except within the District of Columbia."

And every bank, or other monied institution, which shall be established by authority of Congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia.

Resolved, That our Senators and Representatives in Congress be requested to use their exertion to procure the adoption of the foregoing amendment.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble, proposed amendment, and reso-

lutions, to each of our Senators and Representatives in Congress, and also to transmit like copies to the Executives of the several States, with a request that they lay the same before the Legislatures thereof, soliciting their coöperation in procuring the adoption of the foregoing amendment.

REES HILL,
Speaker of the House of Representatives,

ISAAC WEAVER,
Speaker of the Senate

Approved, the twenty ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY

INDIANA AND THE MISSOURI COMPROMISE

Mr. Dunbar handed in at the clerk's table, the following protest against the passage of the joint resolution disapproving of the vote of the Hon. Waller Taylor in a certain case, and for other purposes:[1]

The undersigned avails himself of a right secured by the Constitution of his country, and now protests against the passage of a joint resolution disapproving of the vote of the Honorable Waller Taylor, in a certain case, and for other purposes, on a question which arose on the admission of the Missouri territory into the Union upon an equal footing with the other states, for the following reasons, to wit:

1st. Because, uninstructed, a Representative must refer only to the dictates of his own judgment, and must necessarily

1. February 22, 1819, a bill from the house organizing Missouri Ter. with a provision abolishing slavery was handed down in the senate. This came to a vote February 27 on an amendment to strike out the abolition clause. On this amendment both James Noble and Waller Taylor voted nay but the amendment carried. How either voted on the final passage of the bill does not appear in the *Annals*. When Missouri applied for admission Jonathan Roberts moved that slavery be prohibited. On this amendment both Indiana senators, James Noble and Waller Taylor, voted aye. *Annals First Sess. 16th Cong. 359*. On March 2 the house bill came up in the senate, providing for the admission of Missouri. A motion to strike out the abolition proviso in it was opposed by both Noble and Taylor. Then the famous Missouri Compromise was moved by Jesse B. Thomas, formerly of Indiana. Against this both Indiana senators voted February 17, 1820, and again on the following day when the bill passed the senate.

The resolution of censure referred to passed the Indiana senate December 15, 1819. There seemed some strange haste about it. Pennington introduced it December 13. It went through the three readings and the final vote by December 15. Pennington himself carried it to the house, where it was read immediately on opening December 16. Several substitute motions were promptly voted down and it was passed December 17 by a vote of 19 to 8. The natural inference is that some one wanted Taylor's position.

decide, from his own deliberations, aided by the laws of the land, and the wisdom of the body of which he is a member.

2d. Because the question upon which the vote disapproved of was given, is involved in much doubt, and intricacy, and reasonably warrants a difference of opinion; and, although in the judgment of the undersigned, there is no right guaranteed to the people inhabiting the territory which comprised the Louisiana purchase, to retain the possession of their slaves, when admitted into the Union, under the terms of the Federal Constitution, except under salutary limitations and restrictions. Yet, in the opinion of the undersigned, it is unjust to censure conduct which may have been, and in the opinion of the undersigned, was the result of the unbiassed and impartial reflections of the Hon. Waller Taylor.

3d. Although the latter part of the resolution contains matter which meets the entire approbation of the undersigned, and so far as it is considered, is deemed a measure of national policy, yet in the opinion of the undersigned, the same interesting object might, and would have been accomplished, had the preamble and preceding sections of said resolution been omitted.

4th. Because the dignity of the state is concerned in supporting the reputation of our public officers; and any effort to derogate from their standing, measurably operates to the injury of our interest. And because it is right always to have a tender and generous consideration for the feelings of others.

5th. Although slavery is an evil which it is the duty of every good citizen, so far as he can, constitutionally, to annihilate; yet if the wisdom of the national legislature should determine, that the right to practice it is secured to any section of the country, submission to their decree is necessary, and aspersions of the motives of any individual of that legislature, are not warrantable.

6th. In conclusion, the undersigned begs leave to remark, that his principles, upon the subject of slavery, are settled and determined, and his feelings warmly interested in effecting its total abolition; so far as that abolition comports with the rights of his fellow citizens, both from a consideration of humanity, and because its practice is a blot on the character of the nation.

JOHN N. DUNBAR

H-J-1819; 93-95

Mr. Evans also handed in at the clerk's table, the following protest against the passage of the same resolution:

The undersigned begs leave to introduce his protest against the passage of the joint resolution disapproving of the vote of the Honorable Waller Taylor, in a certain case, and for other purposes, and assigns for reasons the following:

1st. The undersigned has no evidence that the Hon. Waller Taylor erred in the vote he gave in the case alluded to, not having before him the treaty by which the territory known by the name of the Louisiana purchase, was ceded by the king of Spain to the French republic, by which treaty (if present) it might appear that the right of holding slaves in that territory is guaranteed to the inhabitants thereof; and if so, by the established laws of nations, that right cannot be arrested from them without their consent, even by the power of Congress.

2d. The undersigned presumes that all explanatory documents on the subject were before General Taylor at the time he gave the vote, complained of, which enabled him to judge of his duty towards his country, and to himself, and of the propriety, and perhaps necessity of that vote, the wishes, feelings and interests of the people to the contrary notwithstanding.

3d. The undersigned conceives that censure by a representative body against a public agent, should be the *dernier ressort* of that duty which a representative body owes to themselves and their constituents; it being an incontrovertible principle of law, justice, and charity, that every man is to be presumed innocent until his guilt manifestly appears.

4th. The undersigned believes that the circumstance of a majority of the members of Congress, corresponding in sentiment with General Taylor, is presumptive evidence that law and immutable principles dictated the vote given by General Taylor; for the undersigned has too much charity to believe that any enlightened man would advocate slavery from principle, or its continuance and extension from motives of interest.

5th. The undersigned believes that the general government have marked out a course of policy which they will invariably pursue to arrest the progress of slavery, with which policy the undersigned, as a member of the Legislature of this state, is unwilling to interfere.

6th. The undersigned thinks that it is ungenerous to intermeddle with the internal policy of a neighboring territory.

7th. The undersigned conceives that the amendment offered by him to the said resolution, and which is already spread upon the *Journals* of this House, was amply sufficient, and all that ought to be desirable to the feelings and wishes of the people of Indiana, on the subject of instructing their representatives; and that any further interference or instructions of the legislature of Indiana, are calculated to cramp the energies and wisdom of our Senators and Representative in congress, in the discharge of their duties, which they owe to their God, their country, and themselves.

ROBERT M. EVANS

H-J-1819; 95-96

Mr. Maddox, handed in at the Clerk's table, the following protest against the passage of the joint resolution of both Houses disapproving of the vote of the Honorable Waller Taylor, in a certain case, and for other purposes, pursuant to his constitutional right, *viz:*

Having voted against the joint resolution, introduced into the House of Representatives, from the Senate, disapproving of the vote of the Honorable Waller Taylor, in the Senate of the United States, on the question whether the bill, entitled "an act establishing a separate territorial government, in the southern part of the territory of Missouri," should be recommitted to the Committee, to whom the same was referred, with instruction to amend it so as to prevent the further introduction of slavery into that Territory, I conceive it a duty which I owe to myself, and to my constituents, to state the reasons which influenced me, in giving that vote, and of entering my protest, at this time, that those reasons may appear upon the *Journals* of this House.

Permit me however, to observe, that although opposed to the resolution in the shape in which it came before the House, I do not wish, neither do I intend to advocate the principles of slavery,—I believe them to be opposed to the very best interest of the country; in opposition to the rules and regulations, the prosperity and happiness of every Republican government; contrary to the laws of God and man. In discussing the great question of freedom, or slavery, so far as that ques-

tion is considered to our own country, my views and sentiments have always been consistent, diametrically opposed to its further introduction, and willing if possible, to arrest its further progress.

In considering however, a question not immediately connected with this important subject; a question merely of an abstract nature; a question of right or wrong, as it affects a representative of the people; I have a right to form my own opinion, which opinion, although different from that of many gentlemen of the house, is not as I conceive, inconsistent with the opinion which I have before expressed, as it regards the main question, and which is not, in any way connected with the one discussed by the House, in relation to the conduct of General Taylor.

In order to form a correct view of this subject, two questions are to be considered.

1st. Had Congress a right to prescribe any other terms to the people of Missouri, than those prescribed by the Constitution, to wit: a republican form of government.

2d. Could they take away from the inhabitants of that Territory, a vested right, I say vested right, because the rights, privileges and immunities possessed by the inhabitants of that Territory, anterior to the cession from France to the United States, were guaranteed to them by the Treaty making that cession.

These two questions are so intimately connected, that I shall consider them both together. The Territory of Missouri cannot be considered, as it is by some, in the light of a purchased province; was this the case, the question would stand on a different footing. It was purchased from France in the year 1803. The Treaty expressly declares that the United States shall receive it with all its rights and appertenances, in as full and ample a manner as France received it from Spain, by the Treaty of St. Ildefonso, and that the inhabitants should be incorporated into the Union, and admitted according to the federal Constitution, (that is guaranteeing to them a Republican form of government) and they, that is the people, of Louisiana, should have all the rights, privileges, advantages, and immunities of citizens of the United States, and shall be protected in the free use and enjoyment of their liberty, prop-

erty and religion. These rights then were guarranteed to the inhabitants of Louisiana by Spain, in the cession to France, and by the French republic, in the cession to the United States. They were vested rights, and could not be taken away; because enjoyed by them anterior to the cession, and confirmed after it. Congress could then make no law upon the subject, because it would go to impair the obligation of the contract made by the government with France, and they might as well in my opinion compel them to change their religion as to take away the right of holding slaves.

General Taylor, then, probably viewing the subject as I do, and voting as he did, can I censure a representative for doing that which I would have done myself, had I been placed in his situation; should I do it, I should not only meet with the reproach of my own conscience; but should receive, as I should deserve, the contempt of every good and honest man, in society.

Again; let us for a moment, suppose that the conduct of Gen. Taylor, was improper, as was argued by some gentlemen, in as much as he misrepresented the wishes of his constituents, and voted on that question, contrary to what he ought to have known, was the will and opinion of those who had elected him; I ask how was that opinion to be known? shall we censure a man for doing that which he ought not to do when he has no means of knowing whether he is acting right or wrong. Hard indeed would be our case; lamentable our situation, if we, ourselves were to be judged of in this manner, and few indeed would meet with mercy here, or hereafter, if our errors were scrutinized in this manner.

But it is said he knew the feelings of his constituents; I deny it, and I dare venture to say, that not a man in this House knows the views and feelings of his constituents upon the question as to the admission of the Missouri into the Union. It is a question which has agitated the whole country; and upon which the whole country is divided. The best and wisest men in it have different opinions, considering it a question of right though opposed to the principles of slavery.

It is for these reasons then, and I can appeal to my God for the sincerity of my intentions, that I voted against the resolution. If I have erred, it was an error of the head, not of the

heart; and as in all my actions I consider myself accountable to the Being who made me; so in this, I hold myself responsible to the people, with their decision, I shall be satisfied.

JOHN W. MADDOX

H-J-1819; 101-105

SPECIAL MESSAGE: THE NATIONAL ROAD

January 2, 1820

Senate Journal, 1819, pp. 126-127

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES:

I present to the Senate copies of resolutions adopted by the General Assembly of the State of Illinois, and the original of which has been transmitted by the governor of that State, with the request that they be submitted to the General Assembly of this State.[1]

JONATHAN JENNINGS

SPECIAL MESSAGE: VETOING A BILL CONCERNING THE JEFFERSONVILLE-LOUISVILLE FERRY

January 8, 1820

House Journal, 1819, pp. 252-254

TO THE HOUSE OF REPRESENTATIVES OF THE STATE OF INDIANA:

Having seen and considered the enrolled bill entitled "An act to vacate a certain Ferry in the town of Jeffersonville, and to establish a new one in lieu thereof, and for other purposes," I now return it to the House of Representatives, where it originated, with the following objections:

First, because the ground southeast of, or in front of, lots numbered ten and eleven, and bordering on the Ohio river, is individual property, and from which the bill proposes to give to George White[2] the right of ferrying without being the owner thereof.

1. This is the resolution given under date January 5, 1819, above.

2. Isaac Bowman, in his sale of the original one hundred and fifty acres comprising the old town, reserved the exclusive right of ferriage from the town across the river; he seems never to have claimed the right for himself and heirs. Consequently nearly every person who purchased a lot bordering on the river claimed the right to establish a ferry. During the first few years of the existence of the town, licenses

Second, because the right of ferry was, under the authority of the laws of the late Territory, granted to M. G. Clark[1] and Joseph Bowman,[2] including together the whole extent of the privilege proposed by the bill to be granted to George White, and which is now holden by and in the possession of the assignee and legal representatives of the original proprietors; and in both instances the bill would interfere with the rights of others legally vested.

Third, because by a proviso in the second section of the "act to amend the several acts regulating Ferries," approved December 27th, 1816, a pledge of public faith is given to the assignees of original proprietors, that they shall enjoy all the advantages which could have been enjoyed by the original grantees, which will not be realized if the bill becomes a law.

Fourth, because the provisions of the bill are calculated to grant to George White an exclusive privilege inconsistent with the nature of our government, and against the known principles of the common law, as well as the existing statute regulating ferries. The "act to establish and regulate Ferries," approved December 31st 1817, prohibits the establishment of a ferry unless the applicant be the proprietor of the land on

were issued to several persons by the court granting the right to run a ferry. The first of these licenses recorded was granted to Marston G. Clark in October, 1802. In 1807 Joseph Bowman was granted a ferry license, and in 1820 George White was also granted a license. Clark sold his ferry right in 1816 to James Lemon. Dr. Meriwether also owned a ferry right across to the mouth of Beargrass in the same year. These ferries were very simple affairs, in many cases being a skiff or flat-bottomed boat. The larger ones were flat-bottomed, and easily carried a team and loaded wagon, the propelling power being oars and poles. An improved ferry was run by horse power, some employing two horses, and others four, a large cog-wheel under the deck communicating power to the wheel. In time of high water it was frequently a hard task to propel the loaded boat across the swift current.

Soon after obtaining his ferry-right in 1820, George White went to Corydon, at that time the capital of the state, and procured the passage of an act consolidating the several ferries at Jeffersonville.

1. Marston G. Clark was born in Lunenburg county, Virginia, December 12, 1771. His ancestors were among the first Jamestown settlers. In 1790 he came west and settled near his uncle, George Rogers Clarke's home at Clarksville, trading with the Indians. He married in 1797 and lived two years in Louisville. He served under Wayne and became acquainted with Harrison, at whose suggestion in 1800 he moved into Clark county, Indiana. He served with his friend Waller Taylor, also of Lunenburg county, under Harrison on the Tippecanoe campaign. In 1813 he moved to Brewer's fort in Washington county and helped lay out the town of Salem. He served often in the Assembly and in 1840 was a Harrison elector. He dressed in a suit of buckskin and carried the official vote to Washington. He joined the Masons while in Louisville and in 1814 helped organize the lodge at Salem. In 1825 and 1826 he was Grand Master of Indiana. He died in Salem in 1846.

2. This seems to have been a son of Lieut. Isaac Bowman, brother of Maj. Joseph Bowman, both officers under Clark. Joseph, Jr., inherited tract No. 1 of Clark's grant, the site of Jeffersonville. He is mentioned often in the early history of Clark county but no detailed biography has been prepared.

the sides of the river or creek where the ferry shall be established. The third section of the same act provides, where land bordering on any creek or river shall be a public common for any town, the right of ferry is to be granted only to such applicants as are the owner or owners of land adjoining such public common.

By this statute each individual, being the owner of land in the town of Jeffersonville and adjoining such common, would be entitled to a right of ferry, if the public good required it; but by the bill under consideration, George White is to be invested with an extensive privilege, not being the owner (as is believed) of any real property adjoining such common, to the detriment of those who are the holders of real estate as aforesaid.

Fifth, because the claims of every individual should be placed upon equal grounds, and left to the judicial power of the state to hear and determine upon all litigated points connected with personal rights; recollecting that our constitution declares that right and justice shall be administered without denial or delay.

JONATHAN JENNINGS

SPECIAL MESSAGE: KENTUCKY KIDNAPPERS OF INDIANA NEGRO

January 15, 1820

Senate Journal, 1819, pp. 210-214
Vincennes Western Sun, February 26, 1820

TO THE SENATE OF THE STATE OF INDIANA:

I now submit, for the information of the General Assembly, copies of two letters, one of which received [from] and the other addressed to the governor of the commonwealth of Kentucky, on the subject of fugitives from the justice of this state.

During the year 1818, Col. John Weathers was appointed as the agent in behalf of this state to demand of the executive authority of Kentucky certain persons resident thereof, who had been indicted by the grand jurors of the county of Clark, for kidnapping. The agent, in this instance, has informed me that he forwarded the documents necessary in this case, but has not received any answer thereto.

At an after period, the grand jurors for the county of Harrison indicted certain other persons, resident of the same state, for kidnapping a certain person of color named Susan. This act was done during those hours which are requisite to constitute burglary; entering an house that was occupied as a mansion, and forcing her off without affording time to be invested with her usual apparel. The grand jurors, however, have indicted those persons for kidnapping only; though it is believed that some of them at least, were equally subject to be indicted of the crime of burglary.

Since the latter indictment, some time was suffered to elapse, with the hope that one or more of the persons indicted might again be found within the bailiwick of the sheriff in whose hands process was resting for their apprehension. This expectation being disappointed, General John Tipton [*of Corydon*] was duly authorized as agent in behalf of the state in this instance, upon whose prudence and promptitude every reliance was placed. Upon his appointment, he proceeded to the seat of government of Kentucky and made a formal demand; which was answered by the former of the letters, copies of which are herewith presented. The indefinite terms of this letter, with regard to the alleged defect in the indictments upon which the demand was made, render it difficult to ascertain those defects with precision, at least until a further communication shall be received from the governor of Kentucky, which was hoped for prior to this date.

Since my last letter on this subject, I have examined the original bills of indictment, to one of which there seems to be an objection, inasmuch as it concludes "against the peace and dignity of the United States," instead of concluding "against the peace and dignity of the state of Indiana." And it may be possible that a variance may exist between the copies certified to me and the originals.

Such violations of our penal laws, with impunity, while they are qualified to detract from the dignity, are equally calculated to impair the rights of the sovereignty of the state; and so long as a portion of our citizens shall countenance or encourage such infractions upon claims to protection under the constitutional laws of the state, so long may we expect the deleterious effects of their influence.

To discharge our duty with promptitude towards every member of the union should be an high object as a government

connected with and bounded by the ties which give force to that union; and as promptly to require a like discharge of duty from others, whenever constitutionally we are permitted and our rights authorise such demand.

Expenses have accrued, and may accrue on this subject, which will be provided for by the General Assembly as far as necessity may require.

JONATHAN JENNINGS

ENCLOSURE 1

STATE OF KENTUCKY,
EXECUTIVE OFFICE, December 11, 1819

SIR,—I have had the honor to receive your excellency's letter of the 30th ult. demanding Robert Stephens, James Thompson, and Jesse Young, as fugitives from the justice of your state, and covering the documents on which you make this demand.

With your excellency, I deeply regret the existence of cases requiring the exercise of this branch of our mutual duty.

The conflicting policy of different states renders it in some instances a matter of difficult and delicate interference, and demand in all cases a compliance with the requisites of law before a citizen of one state should be deprived of his liberty, and unheard sent to another for trial.

The demand which your excellency has made, not being brought within the provisions of the constitution and laws which point out my duty in such applications, I must decline interfering. Had the case been one within the provisions of the law, I should without hesitation have complied with your request.

I have the honor to be, with great respect,
Your most obedient,

GABRIEL SLAUGHTER

HIS EXCELLENCY JONATHAN JENNINGS,
Governor of Indiana.

ENCLOSURE 2

CORYDON, December 24th, 1819

SIR,—I have had the honor to receive your Excellency's letter of the 11th inst., acknowledging the demand on my part

of Robert Stephens, Jas. Thompson, and Jesse Young, as fugitives from the justice of this state.

It is for me to repeat the regret that such instances should occur to render such demands unavoidable on my part. It has been the policy of this state, and certainly has been mine, to provide as far as the principles of the constitution of our state would permit, in addition to the constitution and laws of the United States, to facilitate the reclamation of fugitives from labor who may have fled to this state to avoid the service which may be due from them to persons claiming their labor. Our statutes prescribe punishment for those who shall harbour or prevent any person from reclaiming under the authority of law fugitives from labor escaping for refuge within the limits of the state.

Believing that it has been an object with this state to discharge its duty to other and older members of the Union, with more confidence therefore shall we expect their constituted authorities to interpose and assist in bringing to public trial those charged with having violated our penal laws, and who may have fled after insulting the sovereignty of our state. Unfortunately this is not the first instance, and my expectations were that a similar demand would have previously been made.

It can only be a secondary object with the people of this state to bring to punishment the citizens of any other, but it has become necessary to put a final stop to those outrages by inflicting punishment, as an example to others, or by giving impulse to public opinion that such attempts are not only criminal but highly derogatory from the duties mutually due from citizens of the United States to the sovereignty and laws of every state in the Union.

Whether the documents upon which the late demand has been made were sufficient or otherwise, they were such as were certified to me by the order of the circuit court for the county of Harrison, under whose jurisdiction the indictments were found, with the expectation that in relation thereto I should discharge my duty. If, however, there shall have been clerical or other mistakes upon this subject, they would have been grounds of defence when the individuals charged should have been put on their trial. The act of congress, in such cases made and provided, renders an *ex parte* affidavit made charging the person or persons so demanded with having commit-

ted treason, felony, or other crime, sufficient to support such demand; and it is difficult to conclude that the documents accompanying the demand alluded to are not more substantial in good faith than that of an affidavit.

The first object of this government will be to ensure the execution of its laws, with which its sovereignty is inseparably connected; and it will be for the government of Kentucky to explain to the citizens of this state the principles and reasons upon which your Excellency declines an interference.

Permit me to solicit an early reply, accompanied with the indictments forwarded by General Tipton, late the agent for the state, and accept the assurance of my high respect as well for yourself, as the state over which you preside.

(Signed) JONATHAN JENNINGS

SPECIAL MESSAGE: KENTUCKY KIDNAPPERS OF INDIANA NEGROS

January 17, 1820

Senate Journal, 1819, p. 216
Vincennes Western Sun, February 26, 1820

TO THE SENATE OF THE STATE OF INDIANA:

Since my message of the 15th inst., I have received another communication relative to the fugitives from the justice of this state, from the governor of the state of Kentucky, accompanied by the copies of the indictments, certified to me from the Harrison circuit court, upon which the demand was made. Copies of this letter, together with copies of the indictments, are herewith laid before the General Assembly.

JONATHAN JENNINGS

ENCLOSURE 1

STATE OF KENTUCKY,
EXECUTIVE OFFICE, January 8th, 1820

Senate Journal, 1819, 217-218

HIS EXCELLENCY, JONATHAN JENNINGS:

SIR,—I have had the honor of receiving your Excellency's letter of the 24th ult., in answer to mine of the 11th of said month, in which I informed your Excellency that as the demand made on me by your letter of the 30th of November,

and the documents forwarded therewith, of certain persons as fugitives from justice, I must decline interfering, as the case was not brought within the constitution and laws in such cases provided.

It has always been the object of the government of this state to promptly discharge its duty as a member of the Federal Union, as well to the national Government, as to that of the coördinate state[s].

Our federal constitution has wisely intrusted to the general government the enacting of laws which shall point out the mode and manner of making application for fugitives from justice, and the consequent duty of the executive of the state applied to in such a case.

Looking then to the provisions of the laws of congress on this subject, and to the letter of your excellency and the documents accompanying the same, I could entertain no doubt but that they did not meet the requisitions of the law. In this opinion I was fortified by the opinion of several gentlemen of the first respectability who were consulted by me, and in whose knowledge of the constitution and laws of the country great confidence ought to be placed; and upon a review of that opinion I have no cause to doubt its correctness.

I will take this occasion to remark that the decision which I formed arose not from any alleged circumstance of the case, but would have governed on a similar application from any other state, and for any other alleged crime.

I therefore forbear making any remarks on the particular case, or upon the particular time chosen for making this application, considering the period which has elapsed since the transaction is alleged to have taken place.

It would be gratifying to me in the discharge of my official duty to meet the approbation of any section of our common country that may be affected by any of my official acts. A careful regard to what the best dictates of my judgment point out as my duty to all concerned must, however, be the means used to attain that end.

I have been thus explicit with your Excellency, as from the tenor of your letter it would seem you had taken up the idea that in the course I had taken on this subject there was not a proper respect paid to the constituted authorities of your state,—than which nothing could have been further from my intentions.

I inclose, in pursuance of your request, the documents sent with your former letter. You will discover, amongst other things in relation to them, that there is no evidence that they were found by the grand jury.

And it must always be a matter of my duty in the executive of the state applied to, to judge of the sufficiency of the documents on which he is called upon to cause a citizen to be arrested.

I have the honor to be,

Your Excellency's most obedient servant,

GABRIEL SLAUGHTER

ENCLOSURE 2

STATE OF INDIANA. } ss.
HARRISON COUNTY. }

CIRCUIT COURT, November Term, 1818

The grand jurors impannelled and sworn to inquire for the body of the county of Harrison, on their oath, present that Robert Stephens, yeoman, and James Thompson, yeoman, and Jesse Young, yeoman, all of the State of Kentucky, on the twenty-second day of November, in the year of our Lord one thousand eight hundred and eighteen, at Corydon, in said county of Harrison, with force and arms, did feloniously and forcibly steal and take Susan, a woman of color, and carry her from this State, to the State of Kentucky, against the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

And the jurors aforesaid, on their oath aforesaid, do further present, that the said Robert Stephens, the said James Thompson, and the said Jesse Young, on the same twenty-second day of November aforesaid, at Corydon aforesaid, in said county of Harrison, and with force and arms, forcibly arrest the body of Susan, a woman of color, with the design to take her, the said Susan, out of this state, without establishing the claim of them, the said Robert Stephens, James Thompson, and Jesse Young, or either of them, or the claim of any other person, to the said Susan, according to the laws of this state or of the United States, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

H[ENRY] HURST, *Prosecuting Attorney*

STATE OF INDIANA, }
HARRISON COUNTY } ss.

I, Henry W. Heth, Clerk of the Circuit court of said county, do certify the above to be a true copy of the original indictment filed in my office.

In testimony whereof, I have hereto, subscribed my name, and affixed the seal of our said court, at Corydon, this ——— day of ———, in the year 1819, the third year of the State, and of the independence of the United States, the forty-fourth.

(Seal) HENRY W. HETH, *Clerk*[1]

STATE OF INDIANA, }
HARRISON COUNTY. } ss.

The jurors for the state of Indiana, and the body of the county of Harrison, upon their oath, present, that Robert Stephens, late of the county aforesaid, yeoman, on the fifth day of June, in the year one thousand eight hundred and eighteen, with force and arms in the county aforesaid, did forcibly take and carry out of the state of Indiana aforesaid, a certain negro woman named Susan, without establishing his claim according to the laws of the state, or of the United States, contrary to the statute in such case made and provided, and against the peace and dignity of the United States.

HENRY HURST, *Prosecuting Attorney*

STATE OF INDIANA, }
HARRISON COUNTY. } ss.

I, Henry W. Heth, Clerk of the Circuit Court of said county, do certify the within to be a true copy of the original indictment filed in my office.

In testimony whereof, I have hereto subscribed my name, and affixed the seal of our said Court, at Corydon, this ——— day of ——— in the year 1819, the third year of the state, and of the independence of the United States, the forty-fourth.

(Seal) HENRY W. HETH, *Clerk*

1. The Heth family was among the first to settle in Harrison county. R. M. Heth bought the farm opened up by Squire Boone. Harvey Heth built a mill on Buck creek in 1806. The next year he bought the site of Corydon and laid out the town. R. M. Heth soon moved to Corydon (1808) and became postmaster a few years later. Richard M. Heth was clerk of the court at Corydon from 1811 to 1818 and Henry W. Heth from 1818 to 1852.

OFFICE OF STATE, Corydon

I, Robert A. New, Secretary of State for the state of Indiana, certify that Henry W. Heth, whose certificate appears to the two preceding indictments, is Clerk of the Circuit Court, in and for the county of Harrison and state aforesaid, and that full faith and credit should be given to his official acts as such.

Given under my hand, and state seal, of the state, this 27th day of November, 1819.

(Seal) R. A. NEW

SPECIAL MESSAGE: RECOVERY OF FUGITIVES FROM JUSTICE

January 21, 1820

Senate Journal, 1819, pp. 262-65

Vincennes Western Sun, March 4, 1820

TO THE HOUSE OF REPRESENTATIVES OF THE STATE OF INDIANA

Herewith I lay before the General Assembly copies of a letter addressed to the Governor of Kentucky renewing my demand of Robert Stephens, James Thompson, and Jesse Young, as fugitives from the justice of this state; which concludes, on my part, the correspondence with his Excellency on this subject.

JONATHAN JENNINGS

ENCLOSURE 1

STATE OF INDIANA,
EXECUTIVE OFFICE,

CORYDON, January 21st, 1820

His Excellency GABRIEL SLAUGHTER, *Governor of Kentucky:*

SIR—Herewith I have the honor to renew my demand of Robert Stephens, James Thompson, and Jesse Young, as fugitives from the justice of this state; and have intrusted such demand, on its behalf, together with the accompanying documents, to a person in whom I have thought proper to place that confidence.

Since I addressed you my last letter, I have personally examined the original indictments on file, in the office of the clerk of the circuit court of this county, under the immediate jurisdiction of which the indictments were found, and discover that

the originals shew that every requisite of the law had been complied with, to evince that there was "evidence that they were found by the grand jury."

In your Excellency's letter of the 11th ultimo, it is intimated that the conflicting policy of different states renders it, in some instances, a matter of difficult and delicate interference, and demands, in all cases, a compliance with the requisites of the law, before a citizen of one state should be deprived of his liberty, and unheard sent to another for trial. How this clashing policy can render it a matter of difficult and delicate interference to comply with the Constitution and laws of the United States, which do not seem to require technical nicety in the evidence of a criminal charge to support the demand of fugitives from justice, is not easy to be comprehended. Although the documents which accompanied my former application were considered insufficient by your Excellency to support that demand, I persuade myself that no objections will be made to the present; especially when reference is had to the assurance given in the latter clause of your first letter on this subject.

In your last communication, you state that the decision which you had formed on the demand arose not from any alleged circumstance of the case, but would have governed on a similar application from any *other* state, or for any other alleged crime. This assurance was entirely unnecessary, as my respect for your Excellency's character precludes the idea that, in the discharge of the duties of your exalted station, you would suffer the circumstances of any case, or the source of any demand of this nature, to divert you from that line of conduct which is marked out by the paramount authorities of the United States; or for a moment to permit partial distinctions to render you forgetful of the rights which the state of Indiana can never consent to relinquish. From a review of the correspondence emanating on my part, I can discover no portion of it which will bear a construction so degrading to the government over which I have the honor to preside.

With your Excellency, likewise, I shall forbear making any particular remarks on the circumstances marking the transaction which gave rise to the request, as they would not be otherwise than unpleasant to your feelings; and inasmuch as the Constitution and laws of the United States are entirely silent

as to the time when a demand shall be made: in relation to time, therefore, connected with this subject, upon which your Excellency has thought proper to criticise, allow me to take this occasion to inform you that I shall hold myself accountable only to the government and citizens whom in this instance I represent.

While the duties of my station compel me to urge the present application for the fugitives in question, permit me to assure your Excellency that I shall on all occasions cultivate the friendly intercourse and urbanity of feeling between the sister states, on which the welfare of the Union so essentially depends. An object no less than the punishment and prevention of crimes seems to have given rise to the provisions of the Federal Constitution, and the laws to enforce them, on the subject of bringing to trial persons charged with offences in one state and having fled to another. Yet their well meant provisions will not only fall short of their object, but will themselves prove sources of discord and dissension, unless they are observed in good faith by the respective parties concerned in their execution. It is not denied that the executive applied to is, in some measure, to judge of the sufficiency of the document on which the demand of the arrest of a citizen is founded; but it is contended that his right ceases whenever it is ascertained that such document is a copy of an indictment found, or an affidavit made, before the proper authorities, charging the person or persons demanded with having committed treason, felony, or other crime, certified as authentic by the proper authority of the state or territory from which the person or persons so charged shall have fled. Such document attends this application; and it is confidently believed that your Excellency will render the persons charged, to take their trial under the laws of this state, leaving it to them and to their counsel to avail themselves of technical informalities, if any exist, in the instrument on which they shall be arraigned.

It would seem that fugitives from the justice of either of the states should, by the constitution and laws of the United States, be delivered up, and *unheard* sent for trial to the state or territory from whence such person or persons shall have fled, whether the indictment be defective or otherwise, with as much propriety as that any person, upon a defective indict-

ment, should, unheard, be apprehended and brought to trial, if found within the proper bailiwick of a sheriff.

With great respect, I have the honor to be

Your Excellency's obedient humble servant,

JONATHAN JENNINGS

PROCLAMATION: SELECTING A SITE FOR THE STATE CAPITAL

March 22, 1820

Vincennes Western Sun, May 13, 1820
Corydon Gazette, March 23, 1820

WHEREAS, by an act of the legislature of the state of Indiana, approved January 11th, 1820, entitled, "An act appointing Commissioners to select and locate a scite for the permanent seat of government of Indiana," the Governor of the state of Indiana is authorized, whenever he may deem it expedient, to notify the commissioners of the time of their meeting:

Therefore, I, Jonathan Jennings, Governor and commander-in-chief of the state of Indiana, do hereby request the commissioners appointed to select and locate a scite for the permanent seat of government, to meet at the house of William Conner,[1] on the West fork of White river, on Monday the 22nd day of May next.

Given under my hand, at Corydon, this 22d day of March, 1820.

JONATHAN JENNINGS

By the Governor:

R. A. NEW, *Secretary*

1. William Conner was a native of western Pennsylvania, being born there in 1780. In 1788 or 1789, his father and his whole family were made prisoners by the Indians, and taken to Detroit; and through the interposition of some French residents at that place, were liberated. Being unable to return to his Pennsylvania home, for his captors had stripped him of everything but a scanty supply of clothing, the elder Conner became a permanent resident at Detroit; and many of his descendants are yet inhabitants of that ancient city. At the age of 18, William left home and sought to carve out for himself his own fortune. With this view he settled at Saginaw Bay, and commenced trading with the Indians.

In his journeying among the Indians his eye was attracted by the scenery, soil, game and the commanding locality of Hamilton county. And in 1802 he settled on the beautiful prairie which has ever since borne his name, about two and a half miles below the present site of Noblesville.

Here he established a trading post, which for many years was the central mart at which the various tribes of central Indiana did their trading.

This trade brought him in contact with all the various tribes of the west, and made him familiar with their language, manners, customs, habits, religion, and traditions.

While passing from Detroit to his Indiana home, on one occasion in mid-winter, he was overtaken several hundred miles from any human habitation by a snow-storm, and for several days he and his Canadian-French companion subsisted on bear's oil and parched corn, carried for emergencies with them on these perilous journeys. He used to relate that his summer evenings were varied by a deer-hunt.

In November, 1811, he entered the U. S. service as confidential aid and interpreter to the commander-in-chief, Gen. Harrison. He was nominally in Col. Paul's regiment, but had charge of the friendly Indians belonging to our service.

Mr. Conner piloted Colonel Campbell's regiment to the Mississinewa villages, and was at their destruction. On the night following their burning, the party was attacked by the Indians, and Conner's horse was shot while he stood behind him.

His prairie was the earliest land cultivated on White river and the first white settlers on the river, comprising the inhabitants of Indianapolis, sought his corn crib, and none were refused because they had no money. On one occasion when corn was very scarce, a well-known citizen of Indianapolis applied for 200 bushels to Mr. Conner, offering a large price, and intending to take it to that place and sell at his own figure; but his offer was declined, and he was told the corn was to eat, not to speculate upon, and the same grain was at the same time retailed out at a less price and upon credit to those who needed it for their families.

He was engaged in the active business of merchandizing for about 20 years, when that was the most lucrative business in the country, and when he retired he had accumulated an ample competence.

His agricultural pursuits were mostly directed to grazing and feeding.

In 1820 he was married to Miss Elizabeth Chapman, step-daughter to the late Judge Finch of Hamilton county. His, it is believed, was the first Christian wedding in the "New Purchase."

Being by many years the "First Settler" on White river, his house was naturally the point to which the subsequent emigrant directed his course. The following report concerns Conner's claim for pre-emption to his homestead.

Communicated to the Senate [U. S.] March 13, 1820.

Mr. Taylor, from the Committee on Public Lands, to whom was referred the petition of William Conner, reported:

That the petitioner has resided for many years at a place called the Delaware Towns, in the State of Indiana, which is situated in a tract of country lately belonging to the Delaware tribe of Indians, and which was by them ceded to the United States, by the treaty made at St. Mary's, in October, 1818. The petitioner having made considerable improvements on the land on which he resides, wishes to remain on it for the purpose of raising his family, who are half-breeds, prays that the right of pre-emption for a fraction or section of six hundred and forty acres may be granted to him to include his improvements.

It appears, from a certificate of Jonathan Jennings, Governor of Indiana, who was one of the commissioners appointed to treat with the Indians at St. Mary's for the purchase of their lands, that the petitioner had contemplated asking of the Delaware tribe of Indians a reservation, similar to others granted by the treaty of St. Mary's, in 1818, to half-breeds—the petitioner having married a Delaware woman by whom he has several children; but that he was dissuaded from his purpose by the commissioners, lest the applications for such reservations should become so numerous as to prejudice the negotiation, then pending, for the tract of country, which was afterwards purchased. In consequence of this suggestion of the commissioners, the petitioner declined applying to the Delaware tribe for a reservation, which the governor states he was as much entitled to, in behalf of his family, as many for whom provision was made by the treaty.

The committee are of opinion that the pre-emption prayed for ought to be granted, and report a bill.

Report of Commissioners

House Journal, 1820, 24-26
Corydon Gazette, December 14, 1820

Mr. [John] Tipton [of Corydon] submitted the report of the Commissioners appointed at the last session of the legislature, to locate a permanent seat of government for the state of Indiana, together with a map of the state furnished them by Mr. McDonald—the above report as follows:

The undersigned, Commissioners in behalf of the state of Indiana, duly appointed by the General Assembly of said state, to select and locate a site for a permanent seat of government, report:[2]

That in conformity to a proclamation of Jonathan Jennings, governor of said state, the undersigned met at the house of William Conner, on the West fork of White river [near Noblesville], and after having taken the oaths or affirmations respectively required by law, proceeded to the execution of the duties assigned them by an act of the General Assembly of the state of Indiana, entitled "an act to locate the permanent seat of government of Indiana," approved January 11th, 1820. In discharging their duty to the state, the undersigned have endeavored to connect with an eligible site the advantages of a navigable stream and fertility of soil, while they have not been unmindful of the geographical situation of the various portions of the state to its political centre, as it regards both the present and future interests of its citizens. The undersigned Commissioners, as aforesaid, in pursuance of the act of the General Assembly above mentioned, and of an act of Congress entitled "an act to enable the people of the Indiana Territory to form a constitution and state government, and for the admission of such state into the Union upon an equal footing with the other states, and for other purposes," and also an act respecting the location of certain sections of land to be granted for the seat of government in the state of Indiana, proceeded to select and locate, and have selected and located, as a permanent site for the seat of government, for

2. A Journal of this trip was kept by John Tipton and is published in *Indiana Magazine of History, I, 9-15, 74-79.* The committee met and organized May 22 at the house of William Conner. B. J. Blythe was clerk and kept a journal of the committee's actions. This journal has not been found. Tipton says the site was chosen on his motion, June 7. The same day it seems the report was signed. This report is in the secretary of state's office at Indianapolis.

and on behalf of said state, two thousand five hundred and sixty acres of land, equal to four entire sections, being sections numbered one and twelve, east and west fractional sections numbered two, east fractional section numbered eleven, and as much of the east part of west fractional section numbered three, to be set off by a north and south line, as will complete the quantity of two thousand five hundred and sixty acres of land as aforesaid, in township fifteen, of range three, east. Given under our hands, this 7th day of June, 1820.

GEORGE HUNT[2]
JOHN CONNER
STEPHEN LUDLOW
JOSEPH BARTHOLOMEW
JOHN TIPTON
JOHN GILELAND
THOMAS EMERSON
FREDERICK RAPP
JESSE B. DURHAM

Attest:
B. J. BLYTHE, *Clerk*[3]

REWARD FOR A CRIMINAL

CORYDON, August 22, 1820
Corydon Gazette, August 31, 1820

200 DOLLARS REWARD
PROCLAMATION:

To All Whom It May Concern:

I, JONATHAN JENNINGS *Gov. and Commander in Chief of the State of Indiana,*

KNOW YE, That whereas John Deahman, who was lately committed to the jail of Floyd county, on a charge of murder in two several instances, escaped on the night of the 21st inst.

2. George Hunt was a Quaker who had emigrated from North Carolina to Wayne county in 1806. He was a surveyor, first clerk of Wayne, later a clerk of Franklin.
John Connor of Fayette was the brother of William, see *Harrison Papers.*
Stephen Ludlow was one of the first settlers of Lawrenceburg.
Joseph Bartholomew, see *Harrison Papers.*
John Tipton, see *Harrison Papers.*
John Gilleland was appointed surveyor of Switzerland county in 1814.
Thomas Emerson had served in the militia of Knox county as early as 1810.
Frederick Rappe was the owner of New Harmony.
Jesse B. Durham settled near Vallonia in Jackson county before the War of 1812.
3. B. J. Blythe, the clerk, was an early resident of Indianapolis.

A reward of one hundred dollars is hereby offered, in behalf of the State aforesaid, for the apprehension and delivering to the Sheriff of said county, the said Deahman, who is supposed to be 28 years of age, black eyes and hair; dark complexion, and five feet eight or nine inches in highth, and speaks the German, French and English languages:[1]

Also, fifty dollars for a man by the name of Williams, large blue eyes, and red hair, fair complexion, considerably freckled, twenty years of age, and about five feet ten or eleven inches high:

Also, fifty dollars for Linthicum, whose complexion is dark, and dark hair, five feet nine or ten inches high, and supposed to be 27 years of age; the two last of whom were committed for horse stealing.

IN Testimony whereof, I have hereunto set my hand, and caused the seal of the state to be affixed, this 22d day of August, 1820, the fourth year of the state, and of the independence of the United States the 44th.

SEAL

JONATHAN JENNINGS

By the Governor,
R. A. NEW, *Sc'ty.*

PROCLAMATION: CONVENING THE GENERAL ASSEMBLY IN SPECIAL SESSION[1]

September 8, 1820

Vincennes Western Sun, September 27, 1820
Corydon Gazette, September 17, 1820

JONATHAN JENNINGS, *Governor and Commander-in-Chief of the State of Indiana: To all who shall see these presents Greeting:*

KNOW ye, that by virtue of the power vested in me by the constitution of the state, I do by these presents request the

1. Among the items of expense in the treasurer's report for 1822 is $150 to John Eastburn and James Besse for bringing Deahman back from Upper Canada. August 31, 1820, there was an item in the Corydon *Gazette* that the bones of Deahman, picked by the buzzards, had been found on the hills a few miles west of New Albany. The name Deahman is spelled differently in each document. The notice in the *Gazette* may have been inspired by friends or just a mistake.

1. The Assembly was convened earlier than usual on account of the report of the failure of the State Bank at Vincennes, and its branches at Brookville, Vevay, and Corydon, and also to select presidential electors for the election of 1821.

members elect of the Senate and House of Representatives of the state of Indiana to convene at Corydon, the seat of government, on Monday the 27th day of November next.

Given under my hand and the Seal of State at Corydon, this 8th day of September, 1820, the fourth year of the State, and of the Independence of the United States the forty-fourth.

JONATHAN JENNINGS

By the Governor:

R. A. NEW, *Secretary*

ANNUAL MESSAGE

CORYDON, November 28, 1820

House Journal, 1820, 7-13
Vincennes Western Sun, December 9, 1820
Vincennes Centinel, December 16, 1820
Corydon Gazette, December 1, 1820

GENTLEMEN OF THE SENATE, AND HOUSE OF REPRESENTATIVES:[1]

The present meeting of the General Assembly at an earlier period than the constitutional has been required to afford to the state an opportunity to participate in the pending election of President and Vice-President of the United States. An event so important, involving principles so interesting, should not be suffered to transpire without exercising our rights as a member of the Union.[2]

Since the last session, and in conformity to the provisions of an act of the legislature, the commissioners selected to locate the lots of ground granted to this state, on condition that

1. Following are the members of the General Assembly for the session of 1820:

SENATORS

COUNTY	NAME
Knox, Sullivan, Vigo, Daviess, and Owen	William Polke
Franklin and part of Fayette	Wiliam C. Drew
Warrick, Vanderburgh, Posey, Spencer, Perry and part of Crawford	Elisha Harrison
Jefferson, Switzerland, Ripley, and Jennings	William Cotton
Dearborn and Ripley	John Gray
Harrison, Crawford, and Floyd	James B. Slaughter
Gibson, Posey, Dubois, and part of Perry	Richard Daniel
Washington, Orange, Jackson, Lawrence, and Monroe	James Gregory
Clark and parts of Scott and Floyd	Joseph Bartholomew
Wayne, Randolph, and part of Fayette	Patrick Baird

S. J. 1820, 3-4

our future and permanent site for the seat of government should be thereon located, were by proclamation requested to meet on the 22d day of May last. They met accordingly, and it should be a source of much public satisfaction that they discharged their duty with unanimity, and it is believed to the satisfaction of the different sections of the state. [See March 22, above]

The property thus secured, by timely care and prudent management, will in due time produce ample resources, without resorting to taxation, to meet the expenditures necessary for the erection of all public edifices of state character. This property, if the ultimate proceeds of its value be realized, should be secured from speculation by the time, manner, and also by the conditions of its sale. The person or persons to whom the disposition of the whole or any part thereof may be confided should be required to make frequent reports of their

REPRESENTATIVES	
COUNTY	NAME
Wayne	Joseph Holman, Thomas Swaine, and Simon Yandes
Franklin	Enoch D. John, James Goudie, and Joseph Hanna
Dearborn	Ezra Ferris and Erasmus Powell
Switzerland	Samuel Merrell
Jefferson	Jeremiah Sullivan and Thomas Crawford
Clark	John F. Ross, Andrew P. Hay, and Joseph Gibson
Harrison	John Tipton, Jacob Zenor, and Henry Greene
Washington	Samuel Milroy and Marston G. Clarke
Knox	George R. C. Sullivan, Robert Sturgis, and John McDonald
Gibson	David Robb
Posey	Charles I. Battell
Warrick	Daniel Grass
Jackson	William Graham

The committee further report that Samuel Conner the sitting member from the county of Perry, has a certificate of his election signed by the deputy sheriff of said county, and the sheriff of Spencer county; and that although the committee are convinced that the certificate is legal, yet there are other documents referred to the committee, which go to prove that John Ewing had a majority of the votes given in the said district. Therefore the committee are of opinion that John Ewing is entitled to a seat as a member of the House of Representatives, and that consequently the seat of the said Samuel Conner be vacated. *H. J. 1820, 21, 22*, 29, 30, 37, 190

2. A joint resolution providing for the election of electors of president and vice-president of the United States.

Approved—November 28th, 1820

Resolved by the General Assembly of the State of Indiana, That there shall be elected by a joint ballot of both houses of the General Assembly, on the 20th instant at two o'clock p. m. in the representative chamber, three electors to vote for president and vice-president of the United States; the election to be conducted in the same manner, and under the same rules and regulations, that are provided by law for electing senators in congress.

official proceedings; and should at all times be subject to removal from the trust, when the public interest would require it, without the proscrastination attendant upon impeachment or the formal process of a judicial proceeding. Although it is not to be presumed that expectation is to be disappointed in the exercise of such trust sooner than another, it becomes our duty, notwithstanding, acting as public agents, to secure the interest of the community by every safeguard which the principles of the constitution and genius of our government may authorize.

Of the funds appropriated for the purpose of purchasing stock in the Jeffersonville-Ohio Canal company, in behalf of the state, a portion of it has been paid on the whole number of shares for which a subscription was authorized to be made, and the residue remains deposited, subject to the draft of the executive, to the use however for which it was intended. The importance of the object contemplated by that association interests the commercial enterprise of a great portion of the citizens of the state, and its completion cannot be separated from the reputation of the state, at least so far as it is connected with our exertion in favor of internal improvement. To appropriate a certain portion of the three-per cent fund assigned to making roads and canals within the state, not to exceed one-half of its annual amount, until the object be attained, upon the condition that the state of Ohio shall become interested, would unite public confidence sufficiently to remove in a reasonable time the impediments presented by the falls of Ohio to the increasing and greatly to be enlarged commerce necessarily to be entrusted to its navigation.

The paper circulating medium of our state presents a subject matter of important consideration. The depreciated situation of that portion of it which has emanated from the non-specie-paying banks, requires an impartial examination into the causes, as also their situation, to enable us to do justice to the importance of the subject, as well as the interests of all concerned. Those who are not debtors to the banks cannot be considered as unjustifiable when they complain of the depreciation of their paper; but public sentiment has yet to be expressed in relation to those who are defaulters to the banks, in not meeting the payments required, though not unfrequently they find inducements to injure the credit of the banks from which they improperly withhold payment. It cannot be de-

nied that the disinterested holder of depreciated bank paper, on account of the uncertainty of the rates of exchange, must at all times be subjected to loss; while the defaulters to the banks may be gainers in proportion to the depreciation of their paper; and this depreciation produced on account of, and in proportion to, the amount withheld by nonpayment. Every measure which shall have a tendency to subject the paper medium of the state to a greater depreciation than at present, unless such measures should be required by other reasons than the amount of their paper in circulation, will tend to the injury of the disinterested holder, and enable the debtors to the banks to discharge those debts, by speculation in the purchase of the paper of the banks to which they stand indebted. Although most of our banks, from want of foresight, have acted imprudently in issuing paper too freely; yet, from the best information, they have generally been engaged in recalling it from circulation for more than a year past.

To restore the circulating medium to a specie standard should unite our exertions in every rational and practical measure tending to that object; and although it may be impracticable to accomplish it as soon as would be desirable, without producing considerable sacrifices of property, yet our views should be constantly directed to its accomplishment. To designate a time within which it shall be made the duty of the banks to resume specie payments is recommended to your consideration, having a reference in prescribing such time to the consequence of forced payments upon the community, and the corresponding requisite of legal means of collection. Such a measure will enable the banks, as well as legally require them, to force collections, and stimulate to further exertion such as may be desirous to continue as bodies corporate, and likewise remove that uncertainty which is entertained in relation to their ultimate solvency, or prove their intentions by the result.

Upon this subject it will be my duty, at an early period, to present to your consideration a report of the situation of the State Bank and branches in a separate message; and likewise copies of a correspondence had with our non-specie paying banks. [See Dec. 7, 1820 below]

The situation of the debtors of the United States, and especially those who are actual settlers, will claim a portion of your deliberations. The procrastination of the time of pay-

ment of those debts, seems to meet the views of the general government with reluctance. If it shall meet your approbation to present your wishes in behalf of your constituents in favor of a measure which shall authorise the debtors to the United States to have their monies now paid transferred to their credit, on such portion of the lands already purchased, as they may select, at one dollar and twenty five cents per acre—provided the number of acres upon which such transfer by [be] made, be not less than one half of one quarter section —they would have their due weight; and if ultimately successful, would be calculated to relieve the actual settlers from the forfeitures of their homes, their money, and their labor, which without relief must be inevitable.[3]

The embarrassments of a pecuniary character to which we are subjected may be attributed chiefly to our vast consumption of articles of foreign growth or manufacture, draining the country of the precious metals and leaving us indebted to the commercial cities. The surplus produce of the state, increasing in quantity and reduced in price, has been greatly deficient in the amount of its proceeds to meet the demands upon us which have been created by the consumption of foreign objects of merchandize. By the coöperation of these circumstances, we have become subjected to debts beyond our present ability to discharge; and our best interests will require that we resort to a certain and at the same time a constitutional remedy, from which permanent relief will be realized. To retrace these errors, however facinating, which national pride or false ambition may have produced; and directing the future, by a strict scrutiny of the past; by curtailing our consumption of foreign articles; by the application of active industry not less to domestic manufactures of every description than to the soil, thereby saving from the former while realizing the net gains of the proceeds of the latter,—we may ere long be reinstated in our former independence, and learn by experience that moderate and certain gains afford the safest

3. February 2, 1820. Sen. James Noble presented a petition in the senate from the Indiana Assembly asking that no law be passed changing the terms of sale. The demand from the east was for a cash sale. A law was enacted April 24, 1820, requiring purchasers to pay cash. Tracts of 80 acres were to be offered and the price reduced to $1.25 per acre. Every effort was made to amend the bill in favor of the pioneers but the vote usually stood about 133 to 23, the vote by which the bill passed. William Hendricks, the member from Indiana, was on the Committee on Public Lands and opposed the measure throughout.

guarantee to relative wealth, so far as may be essential to the attainment of public and private happiness.

The constitution requires, during your present session, a new apportionment of the representation of the state to the General Assembly. To accomplish this important object with impartiality to the different counties and sections of the state, will be productive of much public satisfaction.

The ways and means for the ensuing year will necessarily claim your attention. Since the operation of the state government, the average annual income arising from taxation, may be estimated at 13,000 dolls., and the annual average expenditure amounts to more than 17,000. This estimate produces an annual deficit exceeding 4,000 dolls. to meet the expenses of government, without taking into calculation the delays attendant upon the collections of the revenue, produced in part by the present system of assessment and collection. To meet such deficiency, the recourse has been to loans; and for the future, if the public credit shall be supported, resort must be to additional taxes or to loan, as formerly, to meet not only this deficiency but an increased expenditure, necessarily to be provided for as a consequence of an increased representation in the General Assembly. If further loans are to be required, it may add to the depreciated paper already in circulation which should be avoided; but if additional taxation, it is submitted to the General Assembly, as being better informed of the wishes and abilities of our constituents and more competent to decide in relation to the objects to which such taxation shall be directed. [See Treasurer's Report Nov. 29 below]

It is not without reluctance that a revision of the present revenue laws is again recommended to your consideration. To require the assessment of taxes to be made at an earlier period each year would afford more time for payment and enable collectors, with more certainty and less inconvenience to the people, to meet their payments to the treasury. During the last year more than five thousand dollars have remained unpaid, which should have been received at the treasury during the month of December last, or within three months thereafter; while shortly after the close of the last session, there were no funds in the treasury but the paper of Ohio banks, whose credit was greatly depreciated.

The interchange of laws between this and other states of the Union requires attention. The greater portion of the states have presented to this state copies of their laws, and request a similar return; all of which, together with various state papers of the United States, have been deposited in the office of the secretary for this state, subject to the use of the legislature. [Done by Joint Resolution, Jan. 2, 1821]

The frequent changes which our laws of a general nature have undergone tend to prevent their provisions from being generally known. Many of our fellow citizens have neither the time nor possess the oportunity to trace the many alterations which take place in the laws regulating the administration of justice, determining the rights of persons and of property. It is not presumed that the progressive improvement of the human mind will not require revisions of, and amendatory enactments to, our laws; but experience should clearly dictate the necessity, as well as the extent, of additional legislative provisions before they should be carried into execution.

The public good will no doubt be the ultimate object of all your deliberations, mutually exercised with becoming forbearance towards error of opinion; and with such confidence reposed, and a becoming reliance upon, the Ruler of the Universe, whose goodness and whose laws are equally perfect, you have the assurance of my entire coöperation.

JONATHAN JENNINGS

REPORTS OF STATE TREASURER AND AUDITOR

TREASURY DEPARTMENT, CORYDON,
November 29, 1820

House Journal, 1820, 31-34

The treasurer in obedience to the act of the General Assembly entitled an act concerning the auditor of public accounts and treasurer of state submits the following report:

That there was remaining in the hands of the treasurer on the 4th day of December 1819 the sum of	$57.78½
That from the 4th of December 1819 to the 27th of November 1820 there has been received on loan the sum of	4,000.00

Within the period above mentioned there has been paid into the treasury by sundry sheriffs for taxes due the state for the year 1819, and for arrearages of taxes due for prior years the sum of	14,276.92
From the sheriffs of Knox county for taxes becoming due for the year 1820	1,174.31
From Joel D. Thomasson collector &c.	130.00
Since the commencement of the state government to this date there has been received from the superintendants of Rock and Reces' licks the sum of	281.00
Making in all the sum of	$19,920.01½

Within the periods above mentioned there has been paid at the treasury in discharge of the contingent expenses of government.....	$773.89
In the payment of the officers of the executive the sum of	2,220.00
In the payment of the members of the General Assembly and incidental expenses attendant thereon, the sum of [evidently wrong].....	336.17
In payment for wolves destroyed the sum of....	496.00
In payment of the interest on the loan the sum of	3,105.00
Making the sum total of	$19,773.05
Leaving a balance in the hands of the treasurer on this day of	$146.96½

There has been paid by the Governor of the state of Indiana to the treasurer of the Jeffersonville Ohio Canal Company the sum of five thousand dollars as per triplicate receipts on file in my office.

All of which is respectfully submitted.

DANIEL C. LANE, *Treasurer*

The auditor of the treasury, in obedience to an act of the General Assembly entitled an act concerning the auditor of public accounts and the treasurer of state submits the following report:

There was a deficiency of monies to meet the claims audited up to the 4th of December as per a former report of		$1,009.35¼
Since that period there has been audited in the liquidation of the accounts of the executive officers the sum of		2,320.00
In liquidation of the accounts of the judiciary officers the sum of		4,923.50
In liquidation of the accounts of the last General Assembly, and incidental expenses attendant thereon the sum of		7,799.28
In liquidation of the militia expenses		286.17
In liquidation for wolf scalps, the sum		498.00
In liquidation of the contingent expenses of government the sum of		783.89
In liquidation of interest arising on public loans from the state bank		3,105.00
Amount total		$20,715.69¼
There has been received from sundry sheriffs from the 5th Dec. 1819 to the 27th November 1820, exclusive the sum of	$15,593.23	
From the state bank on loan	4,000.00	
From Elisha Denny superintendent of Rock lick section the sum of	221.00	
From Alexander Little superintendent of Reces' lick section the sum of	60.00	
From Joel D. Thomasson collector of a public debt due the state by sundry citizens of Harrison county the sum of[1]	130.00	
Amount total		$20,715.69¼
Amount due and unpaid from several counties for the year 1817, 1818, 1819	$3,948.54	
From duplicate returns the taxes of 1820 exclusive of the sheriff's commission for collecting, amounts to the sum of	9,484.16	
Amount total		$13,482.70

And from the counties of Crawford, Posey, Washington, Sullivan, Pike, Jefferson, Monroe, Martin and Scott no duplicates having been received for 1820, no estimate can therefore be made of revenue that may be derived from thence.

No correct estimate can be made of the probable collection of debts due from the several counties.

Letters in several instances have been addressed to the proper officers intrusted with collections, to which no answers have been received, and from the circumstance of there having been special collectors of taxes appointed in several counties it is believed that more failures will accrue than ordinarily.

The judgment of the Harrison circuit court against sundry citizens of Harrison county for one thousand dollars has been reversed in the Supreme court, one hundred and thirty dollars of which has however been received, which is reported herewith. [This refers to the governor's house][1]

It is respectfully submitted whether (as the original bond executed by said citizens is found) a suit at common law should be again instituted.

There will be in addition to the demands already due by the state the sum of sixteen hundred and forty dollars due the 1st. January 1821 for interest arising on loans.

There has been filed in this office by his Excellency the Governor, a duplicate receipt for ten thousand dollars received from the United States being a part of the three per cent fund arising from the sale of public lands lying within this state, also duplicate receipts from the treasurer of the Jeffersonville Ohio Canal Company for five thousand dollars being the amount paid in on the stock subscribed for on the part of the state. [See Jan. 5, 1821 below]

Respectfully submitted.

WM. H. LILLY,
Aud. Pub. Accts.

1. This refers to the bonus of $1,000 promised by citizens of Corydon in 1816 to retain the Capital. [See December 16, 1820, below.]

N.J. 1520-21
p.24

SPECIAL MESSAGE: THE STATE BANK AND ITS BRANCHES

November 29, 1820

Corydon Gazette, December 7, 1820

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Herewith is submitted to the General Assembly the documents referred to in my message of the 28th instant.

The paper marked A is a copy of a communication to the State Bank, and the reply thereto; and that marked B is a copy of a circular addressed to the non-specie-paying banks, with their answers, Brookville excepted, as no reply has been received from the directors of that branch bank.

In addition, it will be recollected that, in December, 1821, and the next succeeding months, by contract with the State Bank, on the part of the state, twenty thousand dollars of the state debt will become due and payable. The public faith should be secured from violation, while there remains any measures calculated to secure it within the control of the General Assembly.

JONATHAN JENNINGS

INCLOSURE A

CORYDON, September 25th, 1820

TO THE PRESIDENT AND DIRECTORS OF THE STATE BANK:

GENTLEMEN:—You will be so good as to furnish me with the information required by your charter, and afford at the same time the respective situation of each of the Branches, separate and distinct, for the use of the General Assembly.

In affording the situation of the branches separately and distinctly the information will be more readily comprehended, and for the want of which, during the last winter's session, some inconvenience was experienced.

Respectfully, yours, &c.

JONATHAN JENNINGS

BANK OF VINCENNES, THE STATE BANK OF INDIANA

November 17th, 1820

HIS EXCELLENCY JONATHAN JENNINGS:

SIR—Enclosed you will find the return of the situation of this Bank and the different Branches.

Very Respectfully,

Your obedient servant,

E.[LIAS] BOUDINOT, *Cashier*[1]

STATE OF THE BANK OF VINCENNES,

THE STATE BANK OF INDIANA, November 17th, 1820

Notes discounted		$199,259.91
Loaned, State of Indiana		20,000.00
Specie		33,168.92
Notes on foreign [out of the State] banks		26,108.00
Deposits in different banks		17,376.61
Do. Brookville Branch Bank		91,697.30
Do. Corydon Branch Bank		75,774.18
Do. Vevay Branch Bank		71,763.11
General expenses		1,411.64
		$545,659.67
Capital paid in	$128,469.00	
Balance dividends	2,105.21	
Vincennes notes in circulation	13,102.00	
Do. Branch notes issued	187,158.00	
Deposits credited different banks	795.98	
Do. Treasurer United States	215,337.51	
Do. Individuals	8,801.35	
Discounts	3,790.34	
Profit and loss	6,034.26	
	$545,659.67	

1. This man is not to be confused with the Elias Boudinot who was president of congress 1782 and director of the mint 1795.

STATE OF THE CORYDON BRANCH BANK

As appears by the cashier's return
31st October, 1820

Notes discounted	$42,534.16
Specie	4,702.19
Corydon Branch Bank notes	30,144.00
Notes of banks of Indiana	2,314.25
Deposited in Bank of Vincennes and so forth	3,742.64
General expenses	444.10
	$83,881.34

Deposit credited Bank of Vincennes, the State Bank of Indiana for stock	$30,010.00
Do. Do. Branch notes furnished	49,500.00
Do. Farmers and Mechanics Bank of Indiana [at Madison]	2.20
Do. individuals	3,259.75
Discounts	1,106.70
Gain	2.72
	$83,881.34

STATE OF THE VEVAY BRANCH BANK

As appears by the cashier's return
November 1st, 1820

Notes discounted	$48,295.63
Notes payable at this Branch	19,444.00
Notes receivable in payment of debts	7,952.00
Change tickets [Bills below one dollar]	1,435.44
Specie	1,387.29
Notes on foreign banks	3,197.00
Deposits in different banks	777.24
Deficit by Stephen C. Stevens	4,832.35
General expenses	400.04
Note payable at this office, altered from 3 to 50	50.00
Premiums	3.00
	$87,773.99

Deposits Bank of Vincennes for stock	$30,000.00
Do. Branch notes furnished	41,900.00
Notes receivable in payment of debts burnt	8,861.00
Change tickets burnt	2,976.00
Do. issued by S. C. Stevens for his own use	1,782.50
Dept. to Cr. Miami Exporting Comp.	107.00
Do. individuals	734.28
Discounts	1,413.21
	$87,773.99

STATE OF THE BROOKVILLE BRANCH BANK

As appears by the cashier's return
September 30th, 1820

Notes discounted	$59,718.00
Specie	11,909.59
Notes on foreign banks	7,059.56
Deposits in different banks	3,416.73
General expenses	899.37
Notes payable at this bank	18,746.00
	$101,249.25

Deposits credited Bank of Vincennes, the State Bank of Indiana, for stock and notes furnished.	$85,591.00
Do. different banks	459.26
Do. individuals	8,137.07
Tickets emitted	6,049.12
Discounts	1,511.90
	$101,749.00

INCLOSURE B

CORYDON, September 2d, 1820

TO THE PRESIDENT AND DIRECTORS OF THE BRANCH BANK AT ———:

GENTLEMEN—The depreciated situation of the paper circulating medium of most of the banks in our state requires that the legislature should be put in possession of all proper and necessary information to enable them to decide upon such measures as the interests of the community may demand.

Fully aware that the capital employed by citizens of adjoining states, upon whom we chiefly depend for our imports, enables them to regulate the value of bank paper, and of demanding a discount upon its reception even greater than the real difference of exchange should produce; yet the suspension of specie payments on the part of our banks affords the power of compelling us to sustain a commerce so disadvantageous to the community.

To effect a resumption of specie payments must be considered by you an important object, and that, too, at the shortest possible period that the situation of the banks will admit, without producing unreasonable sacrifices of property, or changing too suddenly the amount of the circulating medium.

It is desirable that you will favor me with such information as you may consider essential to the objects of this communication, and particularly, at what time the community may calculate on your resuming specie payments.

Respectfully, yours, &c.

JONATHAN JENNINGS

OFFICE OF DISCOUNT AND DEPOSIT,

LAWRENCEBURG, Sept. 20th, 1820

DEAR SIR,—Your's of the 2d instant has been received. I am instructed by the Board of Directors of this institution to inform you that the situation of the institution differs but little from the report made on the 30th September, 1820, which is a copy made in pursuance of a request of the secretary of the treasury of the United States; and which was laid before the legislature of this state at their last sitting, except a curtailment of our notes in circulation, of between thirteen and fourteen thousand dollars. We are not able to inform you how soon we will resume specie payments, as no time has been fixed, though it is our intention so to do.

A resumption of specie payments on our part, without corresponding measures on the part of the branches of the State Bank, it would follow that we would have to refuse all paper on banks that do not pay specie; in that case I much doubt whether we would, at this particular time, be even able to collect the discount on our bills discounted. I would be much

gratified that some arrangements could be made with the Branches of the State Bank, to resume partially or entire, in unison with this Bank; the presure would then be less on any one institution.

Yours respectfully,
THOMAS PORTER, *Cashier*[2]

HIS EXCELLENCY JONATHAN JENNINGS,
Governor of the State of Indiana

CORYDON, October 11th, 1820

TO HIS EXCELLENCY JONATHAN JENNINGS:

SIR,—Yours of the 2d of September last, addressed to the President and Directors of the Corydon Branch Bank, has been received and deliberated upon; the result of which is unanimously to adopt and pursue that course which, in the opinion of the mother Bank, may be best calculated to reinstate the depreciated bank paper of our state. With an eye to this object we have continued to call on the debtors to this institution, for more than twelve months past, in such proportions as we presumed were best calculated to effect this desirable object, without actually distressing those to whom accommodations had been given.

The tardy mode whereby coercive payments can be obtained places it out of our power to resume specie payments; nor can we say when a resumption can be attempted with safety to this institution, as much depends on the facilities afforded us in the collection of debts due this institution; and likewise on the course that may be pursued by banks in the adjoining states with respect to specie payments. Should the present mode of collecting be pursued in future, we presume that to pay specie short of that time which will be allowed to those indebted to this institution to replevy, and a resumption of specie payments by banks generally, would not be advisable. But we pledge ourselves to adopt and pursue that course which the mother Bank may require of us.

2. This bank was known as the Farmers and Mechanics bank. It was organized about 1816 with Isaac Dunn, president, and Thomas Porter, cashier. Mr. Porter was a Pennsylvanian by birth. During the war of 1812 he served in Ball's regiment and was badly wounded at the battle of Mississinewa. After the war he moved to Lawrenceburg, where he married Myra Toucey, and after serving as cashier bought the Toucey farm. He was the father of Gov. Albert G. Porter. He served as recorder of Dearborn county 1831-1834.

The better to enable you to judge of the condition of our Branch Bank, we presume the mother Bank will furnish you with a particular detail of our situation.

Yours respectfully,

D.[ANIEL] C. LANE,
President of the Corydon Branch Bank [*and Treasurer of State*]

VEVAY BRANCH BANK,
November 9th, 1820

SIR,—In answer to yours of the 2d of September, directed to the President and Directors of the Branch Bank at Vevay, requiring information as to the time when this Branch may be expected to resume specie payments, and so forth. I have the honor to state that under the existing laws, whilst the present pecuniary embarrassments of all classes of society and the badness of the markets for the surplus produce of the country exist, it is difficult to point to a certain time when that desirable object may be accomplished. Most men nowaday will take advantage of the times; and the scarcity of money, bad as it is, induces those who hold it to speculate thereon, rather than to pay their debts. Should the Legislature, however, think proper to repeal all laws concerning replevy, in all cases of debt, except where the paper of the banks of this state is refused in payment, as well as the law of the last session, called the property law, but allowing the party whose property is sold by execution the privilege to redeem the same in a reasonable time, it is believed by the Board over whom I have the honor to preside, that the banks, as well as solvent individuals, will be placed in a situation much sooner to be able to resume specie payments.

I am of opinion that, if a law was passed to abolish the replevin on judgments and executions in all cases of debts hereafter to be contracted, this Branch could resume specie payments in the course of one year thereafter, without causing any great sacrifices of property; but under the existing laws, I am unable to state when that desirable object may be obtained.

In vindication of the Directors of this Branch I take the liberty here to state that, when this Branch went into operation, it paid specie for its notes, and continued to pay specie to

this day, had an officer thereof, [Stephen C. Stevens] over whom the Board of Directors had little or no control, conducted business for the benefit of the institution, as he did for his own benefit and that of his immediate friends.

I have the honor to be,
Your Excellency's respectful, humble, and obedient servant,

JOHN F. DUFOUR,
President of the Vevay Branch Bank[3]

HIS EXCELLENCY JONATHAN JENNINGS,
Governor of the state of Indiana

BROOKVILLE, November 21st, 1820

HIS EXCELLENCY, JONATHAN JENNINGS:

SIR—In compliance with your request of the 2d September last, we, a committee on behalf of the President and Directors of the Brookville Branch Bank, beg leave to inform you that we equally regret with yourself the depreciated state of our currency, and are using all means in our power to amend it as far as we are concerned. We think it necessary to revert back to the time we first suspended specie payments, not doubting that you are apprised of the necessity which forced us into the measure, which was at that time considered only a temporary one; but finding the confidence of the community in banks so completely lost, and the anxiety for specie so great, that it would be folly in us to resume specie payments, unless banks generally resumed, until we can count a dollar in our vaults of specie for every dollar of paper we have in circulation—and in order to accomplish this, we are making use of all the means in our power, but we prefer mild means (though slow) to those rigid and severe measures which would distress and perhaps ruin the debtor, without adding anything to the advantage of the bank.

However, by those steady measures we have been enabled to lessen the amount of paper in circulation without diminishing the specie in our vaults but little.

How long it will be before we are able to resume specie pay-

3. John Francis Dufour was a founder of Vevay. He was a Swiss by birth from Canton Vaud. He and his company bought 2,500 acres from congress in 1802 and made a settlement. His biography for 30 years is an integral part of the history of Vevay and Switzerland county. See *Ind. Mag. of History XI, 216.*

ments in full, we are not able to say, but hope that the period is not far distant; and rest assured, that no exertions on our part shall be wanted to make it as short as possible.

Very respectfully, yours,

WILLIAM H. EADS[4]

ROBERT JOHN[5]

Committee

SPECIAL MESSAGE: COMPLAINTS CONCERNING THE ADJUTANT GENERAL AND THE SECRETARY OF STATE

December 1, 1820

House Journal, 1820, pp. 40-41

TO THE HOUSE OF REPRESENTATIVES:

The document presented with this communication represents complaints existing on the account of a supposed inattention in the discharge of the duty of the office of adjutant general, and the officer [Stephen Ranny] entrusted therewith is desirous that an examination should take place by the representatives of the people. In the discharge of public trusts it is due to those charged with responsibility to examine into their official conduct when complaints are made, and to determine whether they are worthy of censure, and it is equally due to public welfare that neglect of duty, whether required or not, should be investigated. By reference to the dates when the returns have been received of the elections of militia officers, and a comparison with the dates of the application from the adjutant general's office to the secretary of state for commissions, as well as the records of the dates when such commissions were executed, will afford ample evidence, with some explanations in reference to the alleged charges.

The connection between the office of adjutant general and that of secretary of state is inseparable, in relation to the commissions of a military character, which are frequently required. The punctuality and attention with which the duties

4. William H. Eads, the founder of the bank, was one of the early merchants of Brookville. He kept a tavern as early as 1811. His store, the largest in town, bankrupted in 1824. He was the father of the James B. Eads, the engineer of the jetties at the mouth of the Mississippi and the St. Louis bridge.

5. The John family, consisting of Jehu, the father, and Robert, Enoch D., Jehu Jr., and Isaac, came from Pennsylvania about 1815 and soon became leading men in Brookville, while Robert and Enoch both attained a state reputation.

of the adjutant general's office have been discharged, so far as necessarily comes within my observation, compels me to conclude that, upon examination, the causes of complaint will, if located, be found to have had their origin in the office of the Secretary of State [Robert A. New, of Corydon]. Within my own knowledge instances of gross neglect and direct carelessness have transpired and whatever may have appeared from a slight examination of his office from November, 1818, to the month of September, 1819, there was no regular entry made upon his record book, nor from November 5th, 1819, the date to which the secretary had progressed with his record when a committee of the General Assembly at their last session examined his office, there was not an entry on that record to the first of August last.

An examination is recommended into the complaints and charges alluded to, on the part of the General Assembly.

JONATHAN JENNINGS

INCLOSURE 1

ADJUTANT GENERAL'S OFFICE,
CORYDON, Nov. 29, 1820

HIS EXCELLENCY JONATHAN JENNINGS:

SIR—As some dissatisfaction exists in relation to this office, and complaints have recently been made of the management and proceedings therein, I have thought it a duty which I owe to myself and the community generally, to solicit through your Excellency an examination into and exposure to the world of the condition and proceedings of said office, so that the truth or falsehood of the alleged complaints may be fairly tested by an ingenious public.[1]

I am, sir, with considerations of respect,

Your obedient servant,

STEPHEN RANNY,
Adjutant General

1. No report of militia had been made to the U. S. since December 20, 1819. There were then 5 divisions, 10 brigades, 24 regiments, 233 companies, 911 commissioned officers, 288 cavalry, 135 artillery. Total force, 14,990. The national government furnished arms in proportion to troops properly reported. The state then had 794 muskets, 127 bayonets, 149 cartridge belts, 29 scabbards, 1,347 flints, 1,584 cartridges, 3,837 rifles, 3,301 powder horns, 86 horse pistols, 284 swords, 83 drums, 79 fifes and 1 bugle.
Am. Sta. Pa. Mil. Af. I, 362

SPECIAL MESSAGE: REFUSAL OF KENTUCKY TO RETURN FUGITIVES

CORYDON, December 4, 1820

House Journal, 1820, pp. 55-56, 307-310

TO THE HOUSE OF REPRESENTATIVES:

It will be recollected that during the last session of the General Assembly copies of a correspondence between the acting Governor of Kentucky and myself were submitted to your consideration, relating to a demand upon his Excellency for certain fugitives from the justice of this state. [See January 15, 17, and 20, 1820 above]

At the close of the last session the demand was renewed, but the delivery of the fugitives was ultimately refused notwithstanding the assurances previously given.

Copies of the correspondence are now submitted.

JONATHAN JENNINGS

INCLOSURE 1

REPORT OF THE JUDICIARY COMMITTEE [OF THE HOUSE] ON THE SUBJECT OF THE CORRESPONDENCE BETWEEN THE GOVERNOR OF THIS STATE AND THE ACTING GOVERNOR OF THE STATE OF KENTUCKY, RESPECTING FUGITIVES FROM THE JUSTICE OF THIS STATE

Mr. Merrell, from the Judiciary Committee, submitted the following report:

The Judiciary Committee have, according to order, had the communication of his Excellency the Governor respecting the demand made by him on the acting Governor of Kentucky, of certain fugitives from justice, and have agreed to report as follows:

From the papers before your committee, it appears that Robert Stevens, a member of the Kentucky legislature, and others, having been indicted at the November term of the Harrison circuit court for manstealing, were demanded of the acting governor of Kentucky as fugitives from justice, and that the legislature of Kentucky, on being informed of the demand made, did by resolution refuse the surrender of

Stevens, and the same was also refused by the acting governor of Kentucky. The point principally relied on by the legislature in their refusal to deliver up Mr. Stevens, is that the law of Indiana, for the violation of which he had been indicted, is inconsistent with the constitution of the United States. The indictment, among other things, charges Stevens and others with having feloniously and forcibly arrested Susan, a woman of color, with a design to take her, the said Susan, out of this state (to wit, Indiana) without establishing the claim of them, the said Stevens and others, according to the laws of this state and of the United States.

To prove the unconstitutionality of the law under which this indictment was founded, a clause of the second section of the fourth article of the constitution of the United States is referred to, which is as follows.

"No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor may be due."

From this clause a conclusion is drawn that Congress has the sole power to regulate the mode of claiming persons owing service and labor in one state and escaping to another, and of punishing all abuses that may accrue from improper claims. But your committee can not admit the justness of the above conclusions. They would infer that, as states are only prohibited from discharging the obligations to serve this single prohibition implies that any other regulation of the subject might be made at the discretion of the several states; and a further proof that no more was intended than to prohibit one state from emancipating the slaves of another may be found in the tenth article amendatory to the constitution, which provides that the powers not delegated to the United States by the constitution nor prohibited by it to the states are reserved to the states respectively or to the people.

The law of the United States respecting persons escaping from their masters fixes no penalty for abuses that arise under it; and though it is said that the courts of Kentucky will remunerate him who may illegally be seized and brought thither without just cause, yet those courts cannot punish criminal offenses committed in another state, nor can it be ad-

mitted for a moment that those states alone where slavery is tolerated are to try the right to freedom, where it is disputed, and to prohibit and punish manstealing. Though the law of Congress provides that judges, magistrates of counties, and so forth, in certain cases, may give a certificate by which a fugitive owing service or labor may be recovered, yet this law, so far as it imposes duties on state officers, is not binding,—for if such were the case they might, in time, be altogether perverted from what our constitution intended. If, therefore, the constitution of the United States, requiring the person owing service or labor to be delivered up on the claim of the party to whom the service or labor is due, is to affect state officers, state laws then ought to be made. No claim can be recognized nor delivery made unless by a competent court. If no state law on the subject be made, our courts have nothing to guide them in aiding a claim guaranteed by the constitution of the United States. As, therefore, Congress have not provided that abuses under this law should be punished, and from the small number of the United States judges who are authorized to act much inconvenience would arise, it became both the right and the duty of our state to pass some law on the subject. And though our statute may not please the unfortunate slaveholder in every respect; yet, so far is it from discharging from service and labor, that it provides that state officers shall aid the restoration of fugitives from labor to the claimant; that as speedy a decision should be had as in questions of far less consequence than freedom; and that a penalty should be imposed upon those who, unauthorized either by the laws of the United States or of this state, commit violence on others who, by our constitution, are presumed to be free.

Your committee cannot but view with regret the course that has been pursued by our sister state, and which, if persisted in, may be attended with the most fearful consequences. If the violators of our laws find protection in another state, and the wise provisions of the constitution that fugitives from justice shall be surrendered are disregarded, then, indeed, we may predict a speedy dissolution of those bonds, under which we have hitherto acted as members of one family—when our rights are again invaded force may be repelled with force.

That such expedients may not be adopted, is ardently to be desired; but they are to be feared when alleged crimes find

means to avoid judicial investigation. If any of the laws of Indiana are unconstitutional, and if any of the persons indicted in our courts are innocent, ought it not to appear from some other authority than the legislature of Kentucky, which, by its own constitution, is prohibited from exercising judiciary powers?

Your committee, considering that the constitutionality of the law which Mr. Stevens is accused of violating cannot be doubted, forbear to remark on some other arguments brought forward by the Kentucky legislature, which relate to the policy of the law, for which we are not accountable to them.

Your committee beg leave to offer the following resolutions:

Resolved, that his excellency the governor be requested to communicate to the President of the United States, or to Congress, his proceedings on the demand made by him of the acting governor of Kentucky, of Robert Stevens and others, fugitives from justice, [and] enter into such negotiations on the subject as he may deem most for the honour of the state.

Resolved, That his excellency the governor is entitled to the thanks and confidence of this house for the attention he has bestowed on this subject, and the manner it has been conducted by him.

Which report having been read,

Resolved, That the house concur therein.

SPECIAL MESSAGE: ADJUTANT GENERAL'S OFFICE AND CONDITION OF MILITIA

December 15, 1820

Senate Journal, 1820, pp. 80-81

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Herewith are submitted to the General Assembly copies of a communication from the adjutant general relative to the official returns of the militia. [Not found] Of six divisions only one division return has been made, and of thirteen brigades seven only have made official returns to the adjutant general's office.

The quota of public arms to which this state may be entitled will at all times be in proportion to its military force as returned.

I recommend to the consideration of the General Assembly the propriety of providing by law for requiring security for

the return when required, as well as for keeping in repair the public arms which are, or hereafter may be, put in possession of the militia of the state.

It would be expedient that the brigade inspectors be required to make frequent reports to the quartermaster general, through the inspectors of division, of the situation of such public arms as may be within their respective brigades, and that authority be given by law to take those arms from the possession of any company that shall neglect or refuse to perform such duties as are essential to meet with promptness events which may demand an exercise of the physical force of the state.[1]

JONATHAN JENNINGS

SPECIAL MESSAGE: GOVERNOR'S DWELLING HOUSE AT CORYDON

December 16, 1820

Senate Journal, 1820, pp. 96-97

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

During the session of the Convention, in eighteen hundred and sixteen, a citizen of Harrison county contracted with that body to furnish a convenient dwelling house and suitable outbuildings for the use of the Executive of the state, so long as Corydon should remain the temporary seat of its government.

In consequence of those conveniences not having been provided, the tenements of another individual have been rented, and occupied during two years past, and the consideration for the use of such property has been liquidated in part by the party bounden in the contract to which allusion has been made.

It is submitted to the General Assembly, whether provision shall be made which, under any contingency, shall secure me against personal liability on account of the occupation of the said tenement, as well for the time past as the residue of the term during which I may continue in the present office.[2]

JONATHAN JENNINGS

1. Nothing was done at this session. Too many distinguished men enjoyed appearing on muster day as colonels or generals who did not enjoy the work of making the annual returns.

2. There was danger in 1816 that the constitutional convention would move the capital from Corydon, one of the reasons being the lack of living accommodations for the state officers. As a result there was promised a bonus of $1,000 for the state and a promise by an individual to furnish a house for the governor. These were conditional on the capital remaining at Corydon. The state never succeeded in collecting the bonus. Suit was begun in the Harrison county court and a judgment secured for the state. The supreme court in 1820 set aside the verdict and the money was not col-

Enclosure 1

Corydon Gazette December 14, 1820

The old famous resolution to remove the legislature to Charleston or some other place, where it is imagined members can get boarding lower than at Corydon, is going the formal rounds of legislation, when it is understood that no more is intended by it than to beat down the price of boarding. This scheme has too often been resorted to, and is too well understood by the landlords in Corydon, to have the desired effect. It is our opinion that from the reduced prices of the necessaries of life, that the price of boarding might be somewhat depressed, but we see no good reason why those who are so clamorous about the insolvency of the banks, should complain of the price of boarding, when they will pay nothing but the depreciated paper which, as they say, is worth nothing. If they would pay in specie, they might board as cheap as they could wish. The people will never understand that economy which will require them to pay them two or three hundred dollars for the time spent in legislating on the resolution, which by the best arguments yet produced, it could only save the pockets of the individual members a few cents per week in depreciated bank paper.

The following vote will show who of the representatives are disposed to economize time and consequently public money.

"The house proceeded to consider the resolution on the subject of adjourning the two houses of the General Assembly, to Charleston in Clark county.

Mr. Sullivan of Jefferson, moved that the further consideration of said resolution be indefinitely postponed; and on the question on that motion being put, the Ayes and Noes being demanded by Messrs. Tipton and Holman, those who voted in the affirmative were,

Messrs. Battell, Crawford, Green, Hay, Holman, John Merrell, Sullivan of Jefferson, Tipton and Zenor—11.

Those who voted in the negative were,

Messrs. Clark, Chambers, Ferris, Gibson, Goudie, Grass, Hanna, M'Donald, Milroy, Powell, Robb, Ross, Sullivan of Knox, Yandes, and Graham (Speaker.)—16. [Editorial]

lected. January 3, 1822, a joint resolution authorized the state treasurer to pay Harbin Moore $50 part rent for his house which the governor was using. Thereafter the state paid the governor's house rent while in Corydon. A brief editorial from the *Corydon Gazette* for December 14, 1820, follows the governor's message, as throwing some light on the situation.

SPECIAL MESSAGE: FERRY AT JEFFERSONVILLE

December 22, 1820

Senate Journal, 1820, pp. 120-121

TO THE SENATE OF INDIANA:

In consequence of not having returned to the senate the act, entitled "An act for the relief of George White, upon the subject of a ferry," within the time prescribed by the constitution, after its presentation for approval and signature, it has necessarily become a law, and as such will be filed in the office of the secretary of state.[1] [See Jan. 8, 1920 above]

SPECIAL MESSAGE: TRANSMITTING REPORTS OF STATE BANK AND BRANCHES

January 5, 1821

Vincennes Western Sun, January 20, 1821

TO THE JOINT COMMITTEE OF BOTH HOUSES OF THE GENERAL ASSEMBLY

GENTLEMEN—The resolution [see immediately below] under which you have acted, having been presented to me on Wednesday last, afforded me but limited time to procure the information required thereby, especially when connected with the discharge of other official duties, the attention to which the particular occasion so imperiously demands. These circumstances have not allowed me time to make a personal examination into the situation of the Corydon branch bank, the only bank to which my time and exertions can be afforded without expenses inseparable to a full discharge, by personal examination, of the duties required by the resolution. So far, however, as it shall be in my power to afford the General Assembly at their next session any information which has been, or may be required on their part, in relation to the banks, [it] will be promptly attended to, in addition to that which is now afforded. But if personal examination into their concerns be expected, expenses will necessarily attend the traveling to and from those banks, as well as during the time which will be requisite in making such examinations.

1. This was the most valuable ferry right in the state, and since the first settlement of Jeffersonville, it had been in the hands of the Clarks and Bowmans, companions of George Rogers Clark. There was complaint against the old ferry. The case was in the legislature and courts for many years. The act here referred to confirmed George White in the possession of it. *Laws of Indiana, 1820, p. 120.*

It may be proper to add, that of the $5000 drawn by me upon the three-per-cent fund, under the authority of the General Assembly, and which remains unpaid to the Canal company, $300 of which is specially deposited in the Vincennes bank, and $2000 in the Corydon branch bank, subject to the draft of the governor of the state for the time being, and all of which was the paper of the State Bank.

Most respectfully,

JONATHAN JENNINGS

ENCLOSURES

A JOINT RESOLUTION RELATIVE TO BANKS

Approved January 9th, 1821

Laws of Indiana, 1820, p. 132

Resolved, by the General Assembly of the state of Indiana, That the governor be and he is hereby requested to examine personally the situation of the several banks and branch banks of this state and obtain information on the following points, to-wit: the amount of capital owned by each, distinguishing the amount in specie as well as the amount and description of bank notes; the amount of deposits, distinguishing whether in specie or bank notes, as also the description of such notes; the amount of paper in circulation and where issued, and also the debts owing by each; the amount of debts owing to each bank, distinguishing the amount owing by directors respectively, and the amount owing by other individuals; who are directors, and at what time they were such, and whether any director or directors have had at any time an accommodation from such bank beyond the sum authorized by their respective charters, and who, if any, of said bank directors remain in office as such after overdrawing; to ascertain the cause of the disagreement in the report of the Vincennes bank, the State Bank of Indiana, and the report of the Brookville branch bank, which is as follows, viz:

The amount charged to the Brookville branch by the Vincennes bank is	$91,697.30
The amount credited to the Vincennes bank by the Brookville branch is	85,591.90
Making a difference in the two reports of	$6,105.40

And also whether the excess charged to the Brookville branch bank has not been emitted in paper on the said branch at the Vincennes bank, without the knowledge and consent of the directors of the said branch; and whether the president or cashier of said branch bank have been notified of such emission; and whether the same in whole or in part has not been credited to said branch bank on the books of the Steam Mill Company, or exchanged with the said company in whole or in part for their paper, and whether the same is not included in the report of the Brookville branch bank in the items of Foreign bank paper on hand or deposited in other banks; and also whether the Vincennes bank has not emitted and put into circulation paper on her other branches and placed the same to the credit of such branch or branches on the books of the Steam Mill Company, or otherwise emitted and put into circulation paper payable at her branches without the knowledge and consent of the directors of her several branches.

CORYDON BANK REPORT

CORYDON BRANCH BANK, January 5, 1821

Western Sun, January 20, 1821

TO HIS EXCY. JONATHAN JENNINGS:

SIR—Agreeably to a resolution of the present General Assembly, I make the following communication. Upon the subject of the directors of this branch, I would merely remark that they are appointed by the directors of the mother bank, and not elected by the stockholders. Upon the subject of the debts due by this branch, I would state that the greatest amount of notes she has ever had in circulation was $20,638, and that the amount has varied between that sum and $16,000. Upon the subject of interest, I would state that this branch has never received more than six per cent, agreeably to the mode of computing bank interest as compiled by *Rowlett* in his tables of discount and interest, which I believe is the standard throughout the United States. No director of this branch has ever had, at any one time, to the amount of $5,000 on loan. Upon the subject of emissions of paper by the mother bank payable at their branches, I refer you to the accompanying documents, marked Nos. I, II, III, IV, V, VI, and VII. [See immediately below] The branches keep no accounts of stock, consequently cannot say who the stockholders are. The

amount of notes in circulation is $18,545, which will appear from the accompanying report by abstracting the amount of Corydon branch notes $30,955 from the amount of notes furnished this branch by the mother bank $49,500. The amount of debts due the bank is $45,477.68. It will be seen from the report, the amount of money in bank on special deposit and the amount on general deposit and of which kind of money.

Very respectfully your's, &c.

THOS. POSEY, [*Cashier*][1]

No. I

VINCENNES, April 3, 1820

Western Sun, January 20, 1821

DEAR SIR—I have this day received of the Cashier of the State Bank, and passed to your credit, $200 in notes, payable at your branch, as per arrangement with Mr. Lane, to whom I refer you. An equivalent will be forwarded the first conveyance that offers, or at all events when I come on to Corydon. Your friend,

B.[ENJAMIN] PARKE, *Agent Steam Mill Company*

T.[HOMAS] POSEY, Esq., *Cashier,*

Corydon, Ind.

A true copy. Attest, T.[HOMAS] POSEY, *Cashier*

No. II

VINCENNES, May 16, 1820

Western Sun, January 20, 1821

DEAR SIR—Respecting the issue of a certain amount of notes on your branch, the president and cashier of the mother bank have made an arrangement for the reimbursement, and of which you will be informed by Mr. [Elias] Boudinot by this mail; to whom I beg leave to refer you, with the hope that the arrangement will be entirely satisfactory.

Your friend,

B.[ENJAMIN] PARKE, *Agent Steam Mill Company*

T.[HOMAS] POSEY, Esq., *Cashier,*

Corydon, Ind.

A true copy. Attest;

T.[HOMAS] POSEY, *Cashier*

1. Colonel Thomas Posey was a Virginian who came to Corydon in 1810. He opened a general store on Oak street. He remained at Corydon till the Civil war broke out, when he moved to Henderson, Ky. He died during the war. He was treasurer of Harrison county 1818 to 1824, being cashier of the bank during the same period.

No. III

BANK OF VINCENNES, the State Bank of Indiana
April 4, 1820

Western Sun, January 20, 1821

THOMAS POSEY, Esq. *Cashier:*

DEAR SIR—We have issued the following notes payable at Corydon branch bank, for which your account is debited, viz:

25 notes of $10, No. 401 to 425, dated 21st. Feb. 1818
25 notes of 20, No. 401 to 425, dated 21st. Feb. 1818
25 notes of 50, No. 401 to 425, dated 21st. Feb. 1818
Amounting in all to $2000,

Which notes you will please to record in your book kept for that purpose. The above amount was paid to the Steam Mill Company, for which you have a credit on their books.

Respectfully yours, etc.,

E.[LIAS] BOUDINOT, *Cashier*

A true copy. Attest; T.[HOMAS] POSEY, *Cashier*

No. IV

BANK OF VINCENNES, the State Bank of Indiana
April 17, 1820

Western Sun, January 20, 1821

T. POSEY, Esq., *Cashier, &c:*

DEAR SIR—We have issued the following notes payable at the Corydon branch bank, for which your account is charged:

100 notes of $1, No. 701 to 800, dated 19th April, 1820
100 notes of 2, No. 701 to 800, dated 19th April, 1820
100 notes of 3, No. 701 to 800, dated 19th April, 1820
100 notes of 5, No. 701 to 800, dated 19th April, 1820
Amounting to $1,100.

Which notes you will please record in your book of records. The above amount of $1,100 was paid to the Steam Mill Company, for which you have received a credit on their books.

Very respectfully, &c.

E.[LIAS] BOUDINOT, *Cashier*

A true copy. Attest; T.[HOMAS] POSEY, *Cashier*

No. V

BANK OF VINCENNES, the State Bank of Indiana
16th May, 1820
Western Sun, January 20, 1821

T. POSEY Esq. *Cashier, &c:*

SIR—Your letter of the 12th ult. has been received; the notes mentioned were made payable to D. C. Lane.

The amount of $3,100, which was issued here to the Steam Mill Company as we understood, was from an arrangement entered into between the president of your branch, Mr. Ewing, and the agent of the Company, and upon those grounds the notes were issued; but it appears that the arrangement has since failed. Under those circumstances the agent will deposit the amount in this bank for the redemption of those notes; and whenever you receive the amount of $500, by advising me thereof, you may draw on this bank for the amount payable in your branch notes. I wish you would endeavor to take them up as fast as they are offered at your branch, and I shall do the same here.

Yours respectfully,

E.[LIAS] BOUDINOT, *Cashier*

A true copy. Attest; T.[HOMAS] POSEY, *Cashier*

No. VI

CORYDON BRANCH BANK, April 27th, 1820
Western Sun, January 20, 1821

The directors met on a called meeting. Present, D. C. Lane, President, Joseph Merrill, Davis Floyd, A.[rmstrong] Brandon,[2] Joshua Wilson,[3] John Tipton, H. C. Boon,[4] and Dennis Pennington,[5] *directors*

2. Armstrong and his brother Jesse Brandon came to Corydon before 1816 and opened a store. The branch bank was in this store. In 1816, together with James Lodge, they started the *Indiana Gazette*, which supported Jennings and Hendricks. They were personal friends of R. M. Johnson of Kentucky, who secured the postmastership at Corydon for Armstrong in 1817. His daughter married Samuel Judah, later of Vincennes.

3. Joshua Wilson was a merchant of Corydon.

4. George Boone, a cousin of Daniel; Squire Boone, a brother of Daniel; Isaiah, Enoch, Moses and Jonathan, sons of Squire. Hiram C. Boone was probably the son of George. He was deputy sheriff under Tipton in 1817. He seems to have moved into Kentucky later, and perhaps to Texas.

5. Dennis Pennington lived where the city of Corydon now is from about 1800 to 1816 or 1817. The Penningtons seem to have lived in Louisville but Dennis had hunted north of the river, ranging from Chillicothe to Vincennes. He came with the Boones to Harrison county and pitched his camp near the old elm. Very probably he enjoyed the company of Daniel Boone on some of these hunts. The later Pennington homestead is four miles northwest of Corydon on the Vincennes trail. Dennis died in 1854, after enjoying a statewide reputation most of his life.

Resolved, That Davis Floyd and Joshua Wilson be a committee to draft a remonstrance to the board of mother directors, on the subject of issuing of branch paper at the mother bank.

The committee appointed to draft the remonstrance, reported the following, to-wit:

TO THE PRESIDENT AND DIRECTORS OF THE BANK OF VINCENNES, THE STATE BANK OF INDIANA:

The representation and remonstrance of the undersigned, the President and Directors of the Corydon branch bank, respectfully sheweth: That it is with much regret, and feelings the most unpleasant, they perceive the parent bank emitting paper payable to this branch without consent or agreement of its Directors, who have been desirous of collecting as rapidly as their debtors are able to make payment. That while the undersigned have been directing their course to this object, as far as was practicable without producing absolute distress, the amount of paper redeemable here has been considerably augmented, while the citizens nor stockholders in this vicinity cannot be benefited by such a measure, and while its operations will only produce an exchange of paper. That the undersigned never had conceived that notes redeemable here would be put in circulation but with the consent of this board, while they will be held responsible unless they resign their situation as Directors. The undersigned therefore remonstrate against the measure, and it is their object to do so in language as strong as propriety and respect will allow. The undersigned remonstrate because they do believe it is calculated materially to injure the credit of the institution, by further lessening the public confidence in the stability of this institution ultimately to do justice to its engagements, and because they deem the measure calculated to render them personally responsible for an excess of paper emitted under the law establishing the bank. The undersigned therefore connect with this, their remonstrance, sincere hope that the mother board will desist from any further emission of notes payable at this branch.

Which remonstrance was adopted and signed as follows:

Yours respectfully: D. C. Lane, James Kirkpatrick,[6] J.[oshua] Wilson, John Tipton, A.[rmstrong] Brandon, H. C. Boone, Joseph Merrill, Dennis Pennington, and Davis Floyd.

A.[RMSTRONG] BRANDON, *Secretary*

CORYDON, April 27, 1820

A true copy from the minute book in this office.—THOMAS POSEY, *Cashier*

No. VII

CORYDON BRANCH BANK, December 23, 1819

Western Sun, January 20, 1821

The board of Directors met pursuant to adjournment. Present, Daniel C. Lane, President, Dennis Pennington, Joseph Merrill, James Kirkpatrick, John Tipton, and A.[rmstrong] Brandon, *Directors.*

Whereas, The issuing of $3,100 of Corydon branch bank notes, by the mother bank at Vincennes, considerably increases the report of the issues of said branch bank paper, which, if reported to the legislature, will present such a view of the situation of the Corydon branch bank as would be unfavorable to the characters of those concerned if, [by] the direction of said branch bank, therefore,

Resolved, That the directors of the State Bank at Vincennes be requested to have said account settled up, and so much of our paper taken from circulation previous to any report thereof being made to the legislature, or report the same as issued at the bank of Vincennes, and not at the branch bank at Corydon; and that the cashier forward a copy of this resolution to the board of directors of the State Bank at Vincennes.

A.[RMSTRONG] BRANDON, *Secretary*

Copied and forwarded by mail, August 31st, 1820.—T.[HOMAS] POSEY, *Cashier.*

A true copy from the minute book in this office.—T.[HOMAS] POSEY, *Cashier.*

6. James Kirkpatrick was engaged in the tanyard business in Corydon, about 1810. He was one of the original incorporators of the town in 1817 and was one of the first board of trustees; an associate judge, 1820 to 1824.

STATEMENT OF THE SITUATION OF THE CORYDON BRANCH BANK, 4TH JANUARY, 1821

STATE OF INDIANA, }
HARRISON COUNTY, } sct.

CORYDON, January 5, 1821

Western Sun, January 27, 1821

This day personally appeared before me, a justice of the peace in and for said county, Thomas Posey, and made oath that the accompanying documents, together with the bank report and a copy of the by-laws for the government of the branch bank at Corydon, were just and true, to the best of his knowledge.

Given under my hand and seal the day and year above written.

D. CRAIG, *J. P.*[7]

Cr.

Notes discounted	$42,260.04
Specie	5,625.69
Indiana notes on the Vincennes bank	1,924.13
Corydon branch notes	30,955.00
Kentucky State bank notes	350.00
Eastern notes	103.00
United States notes	40.00
Tennessee State bank notes	33.00
Southern notes	10.00
Missouri notes	5.00
Deposited in State Bank of Ia.	3,217.64
General expenses since 30th Oct. 1820	260.75
	$84,784.25

Dr.

Deposited to Cr. of the bank of Vincennes, the State bank of I[ndian]a. for stock	$30,010.00
Ditto for notes furnished this branch, including $3,100 put in circulation (on this branch) by the mother bank	49,500.00
Due individuals on general deposit	1,015.92
Due individuals on special deposit	1,267.00
Due to Government of the State of Indiana, special deposit	2,000.00

7. Daniel Craig was one of the incorporators of Corydon in 1817.

Discounts and interest received since 30th October, 1820	324.06
Deposited to Cr. of the Farmers & Mechanics' bank of I[ndian]a.	2.20
Dividends on hand	662.75
Gain	2.50
	$84,784.25

I do certify that the foregoing is a true and correct statement of the situation of the Corydon branch bank.

T.[HOMAS] POSEY, *Cashr.*

COMMUNICATION, MADE TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY D. C. LANE

CORYDON, January 4, 1821

TO THE SENATE, AND HOUSE OF REPRESENTATIVES:

With the communications made by the joint committee of both houses, in relation to the Corydon branch bank, are copies of two letters from Judge Parke, agent of the Steam Mill Company, to the cashier of the Corydon branch bank, which contain an intimation that an arrangement existed between the Judge and myself, for the emission of paper at the mother bank, and made payable at the Corydon branch bank, without having been authorised or discounted by the directors of the branch.

In those intimations the Judge's recollection must have failed him, inasmuch as my visit to Vincennes to pay the interest on the public debt was in the month of March last, and it will be found by the first communication of the cashier of the mother bank to the cashier of this branch that the first emission of notes as above described were dated on the 28th of February previous, and of which I was ignorant until I received the information as a director from the cashier of this branch, some time after my return from Vincennes; and inasmuch as those letters are dated the 3d and 16th of April, and whereas I have a communication in my possession from a member of the Steam Mill Company, which was brought by Judge Parke himself, dated the 23d of April, of which the following is an extract:

April 23, 1820.

DEAR SIR—The Steam Mill Company will be under the necessity of either selling a bill or obtaining a loan from your branch. Judge Parke will speak to you on the subject.

D. C. LANE, Esq.

The Judge did not succeed in his application to this branch, and his letters show the emission alluded to, had taken place prior to the 23d of April last, and without any consent of mine, nor had I any conversation with the Judge, or any other person, on the subject of emitting paper from the mother bank payable at this branch prior to such emissions having been made, nor to such a measure have I ever given my assent. With sentiments of high respect and esteem, I am your obedient, &c.

D. C. LANE

Ordered, That the clerk deliver to the public printer a copy of the letter submitted to the House of Representatives by D. C. Lane, Esq., from a member of the Steam Mill Company; and that three hundred copies thereof be printed, with the other documents ordered to be printed on Saturday last.

A copy.—W. W. WICK, *C.*[*lerk*] *H.*[*ouse of*] *R.*[*epresentatives*][8]

April 23, 1820

DEAR SIR—The Steam Mill Company will be under the necessity of either selling a bill or obtaining a loan from your branch. Judge Parke will speak to you on the subject. You will much oblige him and me by assisting him in his object. We have had no returns from your branch for the last month. I am, dear sir, with respect, your friend,

NATHANIEL EWING[9]

D. C. LANE, Esq.

8. W. W. Wick was born at Cannonsburg, Pa., February 27, 1796, son of a Presbyterian minister. He was a fellow townsman and probably acquainted with William Hendricks, Dr. Andrew Wylie and other prominent pioneers. He studied medicine in Cincinnati and law in the office of Tom Corwin of Lebanon, Ohio. In 1819 he settled at Connersville and in 1822 removed to Indianapolis. As lawyer, circuit judge, and congressman he was well known till his death at Franklin, May 19, 1868.

9. Nathaniel Ewing was born in Pennsylvania, April 10, 1772. His father came from Colerain county, Ireland, in 1725. He spent several years as a trader on the Ohio, making his first trip to Vincennes in 1788 with a boat load of produce. He was appointed receiver of the land office in 1807 and held the position till 1824. He organized and was president of the Vincennes bank and the Steam Mill Co. He was prominent in local politics, serving in the legislature. His home near Vincennes was known as Mont Clair. Here he died August 4, 1846.

PROCLAMATION: COMPLETION OF STATE PRISON AT JEFFERSONVILLE

October 2, 1821

Vincennes Western Sun, October 13, 1821

WHEREAS, The legislature of the State of Indiana, by an act of the 9th January, 1821, entitled, "an Act authorizing the building of a State Prison and for other purposes," made it the duty of the managers of said State Prison, "so soon as the same should be sufficiently completed for the safekeeping of convicts, to give notice to the Governor."

Now, therefore, I, JONATHAN JENNINGS, Governor and Commander-in-Chief of the State of Indiana, in pursuance of the act of said state, have issued this my proclamation, announcing the fact that the said state prison is now finished for the reception and confinement of convicts, at Jeffersonville: whereupon the admission of said state prison as such is declared to be complete.[1]

In testimony whereof, I have caused the seal of the said state to be affixed to these presents and signed the same with my hand. Done at Corydon the 2nd day of October, 1821; the 5th year of the state, and of the Independence of the United States the 46th.

JONATHAN JENNINGS

By the Governor:
R. A. NEW, *Secretary*

PROCLAMATION: CONVENING THE GENERAL ASSEMBLY

October 30, 1821

Vincennes Western Sun, November 10, 1821
Corydon Gazette, November 1, 1821

By the virtue of the power vested in me by the Constitution, I, JONATHAN JENNINGS, Governor and Commander-in-Chief of the state of Indiana, have issued this my proclamation, requesting the members elect of the Senate and House of Rep-

1. The contract was let to Robert Gray and Reuben H. Murray for $2,500, but they were paid an extra $500 for some reason not stated. John Fishli, Steven Ranney, Samuel Gwathmey, John Prather and William Bowman were the board of managers. The principal reason for its location was that the convicts might be employed in building the Jeffersonville-Ohio canal. It was provided that all expenses of the prison, including salaries, should be paid from the earnings of the convicts and the residue of their earnings invested in canal stock for the state.

resentatives of the state of [Indiana] aforesaid, to convene at Corydon, the seat of government, on Monday the 19th day of November next.

In testimony whereof, I have caused the seal of said state to be affixed to these presents and signed the same with my hand. Done, at Corydon this 30th day of October, 1821, the fifth year of the state, and of the Independence of the United States the forty-sixth.

JONATHAN JENNINGS

By the Governor:
R. A. NEW, *Secretary*

FINANCIAL CONDITIONS IN INDIANA[1]

Corydon Gazette, October 25, 1821

TO MR. J * * * M * * * OF KENTUCKY

DEAR SIR—You have requested that I should occasionally employ my idle moments, in communicating to you a sketch of the situation and prospects of our infant state, of the prevailing politics of the day, and also give you such other information as I may think proper. In obedience to the request, I have commenced this letter, and shall continue to write until my materials are exhausted. I regret very much my want of ability to do these subjects that justice which their importance merit. The knowledge which my long and intimate acquaintance with you has afforded me of the natural generosity of your intelligent mind induces me confidently to expect that every necessary indulgence will be given. If in the course of these letters, I should furnish you with any thing calculated either to amuse or instruct I shall be more than compensated for my trouble.

The embarrassments which have for a number of years oppressed the commercial world, have already elicited the employment of the ablest pens. I am not vain enough to suppose it to be within the limits of my power to give you any thing new and interesting on that subject. The cause of these misfortunes have been elucidated. Various prescrip-

1. The following letters taken from the *Gazette* afford the best contemporary view of the business conditions then prevailing in Indiana and throughout the west. This condition induced the governor to convene the Assembly a month earlier than usual. It was extremely unfortunate that the state felt constrained to sell the gift land at Indianapolis. If retained it would have made a capitol park unequaled in America.

tions have been made by our political doctors to cure the evil. Legislative interferences have been attempted under the confident impression that they would at once remove every difficulty and cause every unfortunate debtor to shake off the shackles of pecuniary oppression. All have proved ineffectual. Still the cloud of adversity thickens. Distress and poverty impudently stare us in the face, as if to proclaim in our very teeth the insufficiency of those measures which have been adopted for their removal. Previous, and for a few years subsequent, to the late war, our prosperity was great; almost without a parallel. The idea of that prosperity associating itself with our present adversity, renders our situation more unfortunate and unhappy than it would otherwise have been. It is calculated to bring into more active operation that disposition of our minds which induces us to magnify the felicity of past periods and the distress and misery of the present. Making every allowance, however for this singular bias of our minds, it must be admitted that a comparison of our past felicity with our present distress, is calculated, without the smallest amplification, to fill our minds with the deepest sorrow.

In your last you inform me that these times of difficulty, still continued to exist in your state, [Kentucky] notwithstanding the many exertions of your legislature to ameliorate them. From the small acquaintance which I have had with the policy of your state, I fear that you have not yet come to the worst. The evil day must eventually come, in spite of every effort to keep it back. By being retarded, the evil will increase and render desolation and misery more certain and inevitable. It cannot be prevented by eloquent speeches nor by merciful statutes. [Stay laws]

The waters of the Ohio, which separate our state from yours, do not form the boundary of these pecuniary embarrassments. We too have our share of them. But like honest patriots and good christians, we bear them with much patience and fortitude. During the progress of the last election scarcely a whisper was heard upon that subject, either from the candidates or the people. All was silent, as if the heavens rained fatness and the earth was filled with plenty; since that period, the same wise and patriotic taciturnity has been most religiously observed. I am told that in your state, and in

many other sections of the Union, politicians are much in the habit of discussing political subjects, on stumps and in muster fields, as well as through the medium of the press. But we are too much of republicans for any thing of that kind here, sometimes "we the people" take the liberty of telling our public men a few things connected with their irregularities and sometimes they get very mad about it, and write long communications in their defence; but in general they are quite careful not to give us any very definite ideas concerning the course which we may hereafter expect them to pursue.

You will excuse this abberation if you please. I will now come more immediately to the purpose of this letter. Since our state has gone into operation, there has been an annual deficit in the treasury of near five thousand dollars. The annual revenue, during that period has not amounted to more than $13,000. Loans, as the policy is, have been resorted to, for the purpose of supplying this deficiency, until a debt to the State bank of upwards of $30,000 has been accumulated. This debt is now due and ought to be paid. There has been in addition to this, an emission of treasury notes to the amount of $10,000, which are made receivable in payment of lots at the seat of government. The lots with which these notes are redeemed, were granted to the state by Congress expressly for the purpose of erecting its public buildings. If the conditions of this grant are to be observed, and the credit of the state to be supported these notes must be replaced or paid by the proceeds of taxes to be levied on the people. It then constitutes a kind of one sided loan, and increases the public debts, to upwards of $40,000. The whole proceeds of three years taxes according to our former rates would not be sufficient to pay this debt.

The rate of taxation was last year, increased about fifty per cent. But there was also an increase of representation, which it is supposed will augment the expenditures to an amount, equal to the increase of the revenue. There will then in all probability be as great a deficiency in the treasury this year as was last, and perhaps greater. The whole revenue, even of the present year will not pay any thing like half the public debt. The money which has been authorised to be received in payment of the taxes of this year is such only as will answer in paying the debt to the bank. It will not defray the current

expenses of this year. It will not pay the board of the members of the legislature. It will not even pass in Grog Shops.

We have been a state about 6 years. We have by loans already anticipated the proceeds of nearly three years revenue, even according to our present rate of taxation. If we go on in this manner, sir, I will venture to assert that before our government becomes half as old as that of England, it will require the revenue of two or three years, to pay the interest on our public debt. Our policy must be changed.

Upon the whole, the situation of our finances may be summed up in these few words. We owe $40,000, which ought to be paid immediately; our expenditures will this year amount to between 20,000 and 24,000 dollars; and our revenue will be somewhere between 16 and $18,000, of depreciated bank paper. This will leave a deficit of 5 or 6,000 dollars.

Now, sir, this, considering the embarrassments of the times is a sad predicament. How we are to get out of it I confess I am not able to divine. It is not one of those kind of dilemmas from which we may be extricated without any exertion on our part. It is not an evil which will cure itself, something must be done. The wheels of government cannot stop, so long as our constitution has an existence. I have no hint as to the probable means which will be used next winter to liquidate the public debt, and supply the deficiency which will be in the treasury. There is no plan that I have yet thought of which is not liable to objections. The members of our legislature who have been recently elected, may possibly be meditating upon some wise and efficient measure which has not yet entered my brain. They may next winter astonish the world with an explosion of sentiment, which may both electrify and purify. Their minds may perhaps at this time be compared to the inward workings of a mighty volcano, which though unheard and unseen, frequently produce explosions, awful and tremendous.

My paper being nearly exhausted, I will now close this epistle. In my next I shall give you some further remarks concerning our pecuniary distress, and may possibly anticipate some of the probable measures of the next legislature.

LETTER NO. II

Corydon Gazette, November 1, 1821

DEAR SIR,—

If I were not apprised of the great interest which you feel for the prosperity of our infant state, as well as every other section of the Union, I should never have undertaken to write these letters. But knowing your anxiety, upon this subject, I am stimulated to continue them. At the same time I regret very much that I am not enabled to present you with a picture more pleasing. That our citizens are very much pressed for the want of a wholesome circulating medium is a fact too well known to be denied. This is a difficulty, however, which is impossible to be removed by the legislature. The experience of other states, and the experience of our own, abundantly test the impolicy of laws interfering between the rights of debtor and creditor. They tend to the destruction of that mutual confidence between man and man, which is essential to the prosperity of commerce. When an individual contracts a debt, he is bound in conscience and ought to be by law, to discharge it according to its conditions. If he fails to meet it, he does an injury to his creditor, which the law ought to redress. The object of law is to secure rights and redress wrongs. Suppose A gives his note to B for a particular sum of money, to be paid three months after date, so soon as the money becomes due, B becomes invested with a right, upon every principle of equity and justice, to the amount of the note. If A does not pay the note when due he withholds from B his right which upon legal principles, is an infliction of wrong. What is the object of law? Is it to protect wrongs? or is it to secure rights? If it be the former, it is not a terror to evil doers, but it is rather a terror to them that do well. The original purposes of civil society are perverted, and mankind are placed in a more deplorable condition, than if they were in a state of nature.

These remarks apply particularly to the policy of tedious stop, and replevin laws, which have been introduced in many of the states for the special relief of debtors. They are intended to show that where an individual obligates himself to the performance of a particular act, public policy requires that the law should enforce that performance. If then individuals are bound in conscience, as well as upon every principle of

public policy to a strict compliance with their engagements are not states equally bound to perform their undertakings? I should suppose the obligation equally as great in the one case as the other. When a man fails to make use of the necessary means to discharge his debts, his credit sinks, as a matter of course. If then our legislature does not adopt some measure for the liquidation of the public debt its credit must sink too. Certainly our wise men will not suffer this. They feel too much interest in the respectability of the state, to permit it, if they can prevent it. Some of them, as well as some of the members of your legislature, unfortunately labor under the imputation of private insolvency, which is a charge almost too insupportable for them to bear, if there were any way to avoid it; but if they, as well as the rest of us, as citizens constituting the component parts of the body politic, should be charged with public insolvency, the calamity would be very much enhanced.

It would be a sad misfortune long to be deplored, if they in their zeal to relieve themselves, and their brother debtors, should forget to make arrangements to prevent the body politic, from becoming worse than insolvent.

You who reside in Kentucky, a state, which is confessedly older and more wealthy, may consider a debt of $40,000 or 50,000 dollars, as too small and diminutive to be a source of serious alarm or fearful apprehension, particularly to a state, which you possibly consider as young and flourishing. If times were now as they have been your supposition might be correct. But when you reflect, that in consequence of the almost total absence of any thing like a circulating medium it is with considerable difficulty the people pay their taxes, when they are permitted to do so in depreciated bank paper, you will at once see and admit the necessity of forming a different conclusion. This debt is an anticipation of the proceeds of more than two years revenue according to the present rates. If our revenue were 50,000 or 100,000 dollars annually, here would be no difficulty about the matter. But instead of that at the present rates, it is not sufficient to defray the current expenditures, and the scarcity of money is such that the people cannot easily bear the imposition of additional burdens. But, notwithstanding these things, which are truly discouraging, the taxes must be raised or the expenditures must be lessened.

The salaries of our officers are as low as any other state in the Union, and much lower than in some. They are barely sufficient to support them, even with the observance of a most rigid economy. Public policy, in my opinion, as much demands an increase of the salaries of some of our officers as their diminution. I do not think however, that under existing circumstances it would be advisable to raise them, nor do I think they ought to be lessened. It will then follow as a matter of course, that, whether popular or unpopular, the taxes must be raised. The amount of the increase, can better be determined upon, when the amount of receipts into the treasury for the present year are known. I will here only remark, that calculating the expenditures at 20,000, the revenue ought to be enhanced to at least 30,000 dollars, in order that the state may be furnished with a surplus of 10,000 annually, for the payment of the public debt and support of public credit.

I will here, though it be not immediately in point, remark also, that the greatest and most effectual relief, which any government could afford to an embarrassed people, would be to relieve them from the necessity of supporting the burdens of civil authority. These burdens consist of taxes, and so long as the ship of state can be kept sea worthy without their imposition, it would be an act of lenity at least not to levey them. But it must be remembered that this ship must be kept constantly in a state of repair. All our fortunes are embarked in it. We should keep it well supplied and clean. Filth in a ship may very properly be compared to corruption in a state. Let us then keep our ship clean, as well as well furnished. We have a long voyage and a boisterous ocean. If our ship be rotten as well as filthy we are exposed to destruction, both from the violence of the waves, and the attacks of pestilential disease. Government can not be kept up without money, and this money must come from the people. Taxes must be levied. They are the price which the people pay for the protection which government affords them. How grateful to feelings of a good and wholesome government, must it be to be able, at a time when its subjects are oppressed in their pecuniary circumstances to relieve them from the payment of taxes. But unfortunately for the citizens of Indiana, at a time when their embarrassments are indeed great,

its government, so far from being able, to afford them a relief so wholesome, will absolutely be under the necessity of making additional impositions. This must be done or the wheels of government must cease to move. The revenue must be increased, or else the state must sink into all that obscurity and insignificancy, and suffer all that degradation among our sister states, which in individuals, are the usual but frequently improper attendants on poverty and insolvency.

But it is impossible that a tax can be levied in time to meet the demands of this year. Some other means must be used to supply the deficiency. What those means will be, remains to be determined by the wisdom of our next legislature. Whether there will be an additional loan, or an additional emission of treasury notes is quite uncertain. From the difficulty which must be experienced in effecting a loan, I am induced to think that a further emission of treasury notes will be resorted to. And it is my impression even admitting that a loan to the amount required could be procured, the emission of treasury notes not exactly however upon the principle of those issued by the last legislature would be preferable. I am not in favor of pledging our seat of government for their redemption. I think their credit may be supported without a pledge of that sort.

Some persons have intimated the propriety of attempting a clue at the three per cent fund. If this could be effected, the necessity of an emission of treasury notes would be suspended. The general government gave us this fund, for a particular purpose, and I doubt, whether they will suffer us to handle it, unless it is in an immediate application to the purpose intended. But admitting for the sake of argument, that they would grant us the liberty of using it upon the condition of replacing it at a particular period, I doubt the policy of our acceptance, because, in that case, it must exactly operate as a loan, and I am inclined to believe, an emission of treasury notes on the plan I shall propose, is preferable to any loan that could be procured.

In my next, I will give you an explanation of my views concerning the amount of treasury notes, which ought to be issued, and the method which ought to be adopted to support their credit.

Your's &c.

LETTER NO. III

Corydon Gazette, November 8, 1821

SIR—

In my last, I remarked that the taxes must be raised; but that the amount of the increase could be better determined upon when the amount of receipts into the treasury for the present year are known. My present impression, with the information I now possess on the subject is, that the increase must be near 50 per cent, in order to effect the object intended. Suppose for instance, the receipts this year should amount to $20,000, the increase should be sufficient to make them amount next year to 30,000 dollars. The expenditures, I suppose, will amount to something like 20,000 dollars. If the revenue should be raised to the amount I have suggested, the state will be furnished with a sinking fund of 10,000 dollars annually, which in five years would discharge every cent of the public debt.

The members of the legislature, I apprehend will be somewhat fearful of raising the taxes to the amount I have proposed. Popularity is generally as much studied by politicians as the public good. Public utility is much talked about, but private interest alone pursued. It seems to me, however, that the necessity of the case must be so obvious to every one, that the popular voice, instead of contemning as is usually done, measures of that kind, will demand its adoption. Every person capable of the smallest effort of reflection must admit, that the policy heretofore pursued to defray the expenditures of government, must be changed or else the credit of the state must sink. Surely the people must be very poor indeed if they cannot support a government that only costs them $20,000 per annum. They could not be governed cheaper, I am confident; and if they are either unable or unwilling to contribute so small a portion of their property, for the support of their state institutions, they had better at once make a candid acknowledgment of the fact; renounce their rights as an independent member of the Union, and fall back again into their former state of territorial bondage. But Indiana is not too poor to govern herself, nor is she too parsimonious; nor is her destitution of a knowledge of the sweets of independence sufficiently great to induce her voluntarily to part with it. Her sons are animated by the same love of liberty, which stimulated their ancestors, to endure the calamities of a bloody war in shaking off the shackles of kingly oppression. The

spark of patriotism is yet alive, and only requires to be fanned into a flame by the gentle and wholesome breezes of the true, candid and impartial investigation. When the people once are made truly acquainted, with the financial embarrassments of the state, they will not murmur at an increase of taxation upon equal and republican principles. It is really to be hoped that the legislature will not consider their constituents too blind to discern their true interest; that they will not be influenced by any narrow system of vicious politics; but that their course will be solely regulated with a view to the public good.

I have given it as my opinion that a tax could not be levied in time to meet the demands of this year, and that either a loan or an emission of treasury notes would be resorted to. I stated it as my impression that an emission of treasury notes would be preferable to a loan, I shall now according to promise, give you my opinion as to the amount of treasury notes, which ought to be issued, and the means which ought to be adopted to support their credit.

It is my impression that the amount of notes, put in circulation should not exceed $20,000. That will be sufficient to defray the expenses of next year, and enable the legislature to appropriate some portion of the revenue of this year in payment of the debt to the bank. That amount I think may be safely issued, if the proper steps are taken to support its credit. I am aware of the great evils which have resulted to the United States from the excessive rage for speculations in banking. The evil of substituting for the precious metals, a circulating medium of paper, has been severely felt. It has been the principal and moving cause of all the distress which has been experienced. Any man, however, who has any claims to common sense must see, with half an eye, that under existing circumstances, an immediate change from paper to specie, would be attended with disastrous consequences. A gradual change is most advisable. The body politic has been so much weakened, by this unfortunate disease, as to render violent remedies as fatal as the disease itself. Since our banks have become bankrupt; since, in consequence of either ignorance or knavery perhaps a mixture of both, their paper has depreciated almost to nothing, we will endeavor to taper off on a few treasury notes.

It will perhaps be objected, that if treasury notes to the amount of $20,000 should be issued, they will depreciate to a level with the paper of our banks and become equally as useless to the community. Not if proper steps are taken; not if judicious means are adopted. If the revenue of next year, should as in this, be authorised to be collected in depreciated bank paper, the objection above stated, would according to the natural and inevitable course of things be realized. In order to support the credit of these notes, it will be necessary first, that the taxes be raised, in the manner I have heretofore suggested; second, that a law should be passed, authorising the collectors of the revenue, to receive nothing in payment of taxes, but specie, its equivalent and treasury notes. If this be done I apprehend that these treasury notes will be placed nearly upon a par with specie. The price of all commodities is regulated by the demand. If the demand be great, the price will be great; if there be no demand there will be no price. The taxes according to the plan I have thought proper to suggest are to be raised, so as to bring into the treasury $30,000. The amount of treasury notes to be issued; is not to exceed $20,000. Nothing but specie and its equivalent, and these notes are to be received in payment of taxes. Admitting then that every dollar of these notes, should be withdrawn from circulation, in payment of the revenue, there will still exist a balance of $10,000 which must be paid in specie or its equivalent. Will not this circumstance make these notes realy as valuable as the specie itself? Will not the demand for them, be 50 per cent greater, than the amount in circulation? How then is it possible, under such circumstances that these notes should depreciate? If specie be scarce, the demand for these will be enhanced, & their value increased, and at all events, they must according to the natural course of things constitute a wholesome circulating medium.

If it be asked why the circumstance of the notes of our state bank and its branches, being authorised to be received in payment of the revenue, does not give them currency, the answer is plain and easy; because the amount of the revenue, bears so small a proportion to the amount of these notes. I do not know what may be the amount of these notes in circulation. But we will suppose, for argument sake, that they amount to $100,000. Twenty thousand, will pay the revenue. The de-

mand is five times less than the amount of notes in circulation. Is it then a matter of surprise that these notes are not current? Would not their currency be a complete perversion of the usual and natural course of things?

The treasury notes issued by the last legislature are in good repute. They constitute a wholesome circulating medium. Let me ask what is the cause? Evidently because they are authorised to be received in discharge of debts, where nothing else but specie or its equivalent will suffice. This creates a demand and enhances the value. The amount of the demand is uncertain, because no man is compelled to buy lots at Indianapolis, yet we find these notes are in good repute. The monies arising from the first instalment paid for these lots may amount to $10,000, and they may fall short of it. This depends upon the number of purchasers, or rather upon the number of lots sold. The treasury notes issued by the next legislature, upon the principle I propose, will stand on a better foundation; every man is bound to pay taxes; no man is bound to buy lots at Indianapolis unless he chooses. This compulsion will render the demand for these notes certain; therefore, they must be of more value than notes, whose redemption depends upon circumstances contingent and uncertain.

I will now suspend these letters for a short time. Perhaps I shall resume them during the sitting of our legislature. I hope you will excuse the desultory manner in which I have written, and if from the scattered fragments, you should be able to gather any thing which may benefit, my gratification will be complete. Adieu. C.

Annual Message

November 20, 1821

House Journal, 1821, pp. 15-21
Vincennes Western Sun, December 1, 1821
Corydon Gazette, November 22, 1821

To the Senate and House of Representatives:[1]

To afford with certainty the time which may be requisite to enable the General Assembly to make the necessary arrange-

1. Following are the members of the Sixth Assembly:

SENATORS

County	Name
Clark and Floyd	Joseph Bartholomew
Orange, Lawrence and Monroe	James Gregory
Gibson and Pike	Richard Daniel
Dearborn	John Gray
Switzerland and Ripley	William Cotton
Knox, Daviess and Martin	Frederick Sholtz
Sullivan, Vigo, Green, Owen and Pike	Thomas H. Blake
Jefferson and Jennings	Brooke Bennett
Washington	Marston G. Clark
Harrison and Crawford	James B. Slaughter
Warrick, Spencer, Vanderburgh, Perry and Posey	Elisha Harrison
Jackson, Scott and Bartholomew	Thomas Vandever

H-J-1821-41-43

REPRESENTATIVES

County	Name
Franklin	George L. Murdock and James B. Ray
Dearborn	Ezra Ferris, Amos Lane and Erasmus Powell
Jefferson	Copeland J. P. Arion and Israel T. Canby
Clark	John Miller and John H. Thompson
Floyd	Moses Kirkpatrick
Harrison	John Tipton and John N. Dunbar
Washington	Samuel Milroy and Noah Wright
Knox	General W. Johnson and Benjamin V. Beckes
Orange	Charles Dewey and Alexander Wallace
Jackson	James Braman
Ripley	Joseph Bentley
Switzerland	Samuel Merrill and Wiliam B. Chamberlin
Jennings	Zenas Kimberly
Scott	William D. Clark
Gibson	William Prince
Monroe	David H. Maxwell
Lawrence	John Milroy
Crawford	Henry Green
Posey	Charles I. Battell
Bartholomew	John Lindsey
Pike	John Johnston
Sullivan	John Benefield
Davis and Martin	James G. Reed
Vanderburgh and part of Warrick	Hugh M. Donaghe
Vigo and Park	Joseph Shelby
Perry, Spencer, Dubois and Luce township in Warrick	William Graham

S-J-1821-3-4

ments to meet the demands against the state, arising on the loans from the Vincennes bank, induced the request for your meeting at an earlier period than usual. Twenty thousand dollars of the public debt becomes due within a limited period, together with interest on the whole debt for the present year. It is believed that an amount competent to meet this demand will be realized at the treasury in the notes of the State Bank and branches; and it will be for the representatives of the people to determine whether the present demand upon the public faith of the state cannot be discharged in equity and good conscience with the notes of the bank and its branches in whose favor the obligations were executed. It will be oppressive if the state, after the paper of this institution was authorised to be collected in revenue, should be prevented by any assignment[2] of the evidences of the existing debt from discharging at least so much of that debt with the paper of the bank as will absorb the collections of the present year; especially when their notes, after being made receivable by the agents of the state, became greatly depreciated by great mismanagement on the part of the bank itself. It ought not to be expected that a public loss to the state should be avoided, by resorting to any measures which would not comport with correct views of public justice; nor should it be anticipated that the treasury of the United States would ultimately adopt measures to secure an uncertain debt, which would interfere with arrangements calculated to adjust the demand against the state, without producing any additional embarrassment. If an assignment has been made of the bonds executed in behalf of the state, and those bonds had become due, it would have presented a very different view of the subject. The description of funds, in which the revenue of the present year, as well as arrearages of past years, was chiefly collected and collecting when the assignment is said to have been made, was well known to those who may have authorised the measure; and it is presumed that the treasury department or its agent would have become acquainted with the laws of the state on this subject, before such assignment would have been negotiated. At the time when the assignments are said to have been executed, the public agents of the state must have collected much the greater portion of the annual revenue, as well

2. The bank had assigned the state bonds to the United States as collateral on a deposit of the United States which the bank had failed to pay.

as outstanding debts, in the paper of the bank; and the revenue laws are such as to require, at least for state purposes, a continuation of the public collections in like funds, until different provisions shall be enacted by the legislature. A tender of those notes in a legal manner to the bank at which payment has been promised, is respectfully recommended.

In conformity to a joint resolution [January 9, 1821] adopted by the last General Assembly, an examination has been made into the situation of the State bank and branches, the details of which will attend a subsequent communication.

It is believed that the credit of the bank paper of this state might have been sustained, so far at least as to have secured the holders from serious loss by depreciation, had the bank been prudently managed, and the notes gradually withdrawn from circulation; as it will be acknowledged, that the greater the credit that would have given to it, had different measures been pursued by those to whom its chief management has been entrusted; so much the less would have been the public and private injury that has been experienced. Whatever disposition the principal bank may have made of the funds deposited by the United States, it must be admitted, that the connexion of interest between the Steam Mill Company and the bank, and the extraordinary accommodations, on account of the manner in which they were obtained, as well as their amount, effected by arrangements of the Steam Mill agency and some of the officers of the bank, have been among the principal causes which have prostrated the paper circulating medium of this state, so far as it was dependent on the State bank and branches. And from the direction which for a time past has been given to the funds as well as to the credit of the State bank, it would seem as if it had been an object to produce a depreciation of her own credit as well as that of her branches; producing thereby, among other mischievous consequences, the means of direct gain to a certain portion of the community, equal to the loss which the innocent and disinterested holder of the paper inevitably sustains.

The causes which have produced the pecuniary distress with which we are embarrassed remain almost unchanged, except the relief afforded by the act of Congress to the purchasers of public lands.[3] All relief measures within the control of

3. This act, dated March 2, 1821, permitted creditors to surrender part of the land purchased and transfer the part payment on the whole to a whole payment of a part.

the state authority should be considered as temporary, and be discontinued so soon as the causes which produced them shall have been so far removed as to justify a recurrence to former regulations in relation to contracts. A period should be prescribed by law, and all contracts of a subsequent date be subjected to such legal provisions as have heretofore been usual. The want of a discrimination of this character in relation to past and future contracts, presents inducements to add to pre-existing debts, while a return to former habits of industry and economy is thereby retarded.

To encourage by precept and example, the use of articles of domestic manufacture, and the introduction into families of manufacturing machinery, will prove efficient auxiliaries in removing our pecuniary difficulties, and have a tendency to secure our future independence from those sudden and extraordinary changes produced by the fluctuations of commerce, so injurious in their effects upon the moral and political happiness of nations and individuals. Different measures have been resorted to by the legislatures of different states, with a view to relieve the embarrassment of the people.

Individually acquainted, as the representatives are, with the operation of the system of relief adopted in this state, as also with the particular interests and situations of their constituents, they will be fully competent in the discharge of their important duties to adjust those interests, by the adoption of measures that may contribute to the lasting advantage of our fellow citizens. The propriety, however, of authorising creditors, under proper provisions, to require additional security on replevin bonds, is submitted to your consideration, inasmuch as the ostensible property of individuals may be subject to prior liens. It cannot be intended that a judgment creditor is to be subjected to greater uncertainty in the ultimate collection of a legal demand, by affording to the debtor the mild means of satisfying his creditor without sustaining a greater sacrifice than may be rendered ultimately unavoidable.

Governments like individuals are imitative, and often follow without sufficient inquiry the measures which others have adopted. Many of the western states, particularly, have experienced essential injury from extravagant emissions of bank paper; and notwithstanding its great depreciation, necessity or usage seems to have been sufficiently powerful to induce, as

a measure of relief, new emissions to supply a want of metallic medium; although the notes upon being introduced into commercial transactions have been subjected to great discounts upon their nominal value, and liable to much uncertainty in the rates of their exchange. In the general loss which has attended paper credit, the people of this state have suffered sufficiently to induce an avoidance of further experiments in banking, however specious the plan of its details, especially if they cannot be based upon specie capital.

The treasury notes authorised to be executed by an act of the last General Assembly, have been emitted from the treasury as the demands upon the state required; and of the means within the control of the Legislature, to meet the expenditures of the ensuing year, a similar measure, limited by a certain amount, is deemed the most eligible. Such policy, however, will necessarily require for the future that the revenue be collected in specie, its equivalent, or in treasury notes. Ten thousand dollars, of the denomination of one dollar each, with a reissue of those executed, redeemable in specie or its equivalent at the expiration of one year from the date of such issue, will be adequate to meet the demands upon the treasury.[4]

The revenue, annually to be realized, should at least equal the annual expenditures of the government, as also the interest of any portion of the public debt which may remain unliquidated; and the additional quantity of land, which must annually hereafter become subject to taxation after the first day of December next, should be regarded, as a certain means of extinguishing the public debt.

4. By act of January 9, 1821, the Governor was authorized to have engraved $10,000 in treasury notes to pass as currency and receivable as taxes. These were accounted for by the state treasurer in his report December 21, 1821. The notes were engraved by Silas T. Toncray. By act of December 31, 1821, these were reissued as is shown by the following statement:

TREASURY DEPARTMENT

Corydon, January 2, 1822

The treasurer of state, in obedience to an act of the General Assembly of the state of Indiana, approved January 9, 1821, authorizing the issuing of treasury notes, submits the following report:

That of the treasury notes authorized by the above recited act, 9,910 dolls. have been issued at the treasury, in discharge of claims due individuals on this department, leaving the sum of 90.00 dollars unissued, that out of the amount 9,910.00 dolls. at one time in circulation, the sum of 6,445 dolls. has been returned to the treasury, leaving in circulation on this day, the sum of 3,445.00.

Respectfully submitted

D. C. LANE, *Treasurer*

H-J-1821-397

The views of the General Assembly, in selecting individuals to draft a system by which the resources appropriated to the purposes of education should hereafter be employed, may not for the present be entirely realized. The welfare of the state must greatly depend on the relative perfection which shall characterise the plan by which our future exertions are to be directed in promoting education, "ascending in regular gradation from township schools to a state University". Much labor and attention will be indispensable to the accomplishment of an object so highly important and desirable; and every error, which shall influence our attempts on this subject, may be productive of evils not easily to be surmounted.[5]

The construction and connection of many of the statute laws have become so obscure that a revision is considered important. The want of reasonable certainty of what is the law, in the discharge of relative duties whether of a public or private character, should be regarded as a public injury; while every generous effort should be exerted to render explicit the municipal regulations by which our relative rights and wrongs are to be determined.[6]

The increasing strength of the militia requires the publication of an additional number of copies of the act, regulating the duties required of this portion of our national defence. Resignations of militia officers have become so frequent, that no inconsiderable, though unfavourable, effects are produced upon the progressive improvement in military discipline, and require that some additional restraint be imposed in relation to such resignations upon those who shall accept commissions. That some adequate means should be provided to secure the

5. *Be it enacted* by the General Assembly of the state of Indiana, That John Badolet and David Hart of Knox county, William W. Martin of Washington county, James Welsh of Switzerland county and Daniel L. Caswell of Franklin county, Thomas C. Searle of Jefferson county and John Todd of Clark county be and they are hereby appointed a committee to draft and report to the next General Assembly of this state "a bill providing for a general system of education ascending in a regular gradation from township schools to a state university wherein tuition shall be gratis and equally open to all and particularly to guard against any distinction existing in any of the said institutions between the rich and the poor."

Resolved, That the said committee shall receive such compensation for their said services herein as shall be allowed by the next General Assembly.

Resolved, That the governor is hereby requested to notify the gentlemen appointed by the above resolution of their appointment and he is also hereby requested to give the committee any information on the above subject in his possession.

6. By act of December 17, 1821, the Assembly appropriated $200 to defray expenses of codifying the laws; January 3, 1822, on joint ballot Benjamin Parke was elected to the work.

proper care and safekeeping of the public arms, which have been or may hereafter be furnished, is obvious, and the squandering of those arms, which have heretofore been exhibited, should for the future be prevented. The duties which devolve upon the adjutant general are increasing and have been much increased, and the propriety of an additional allowance to that which is at present afforded is presented for your consideration.

Further legislative provisions will be necessary to carry into operation the humane purposes of the Legislature connected with the establishment of the penitentiary; and the situation of those who have been engaged in erecting the building are entitled to legislative attention.

The reclamation of John Dahmen, [see Aug. 22, 1820 above] a fugitive from the justice of this state who fled to the confines of Upper Canada, necessarily produced an unexpected claim upon the contingent fund. With those who were engaged in his recapture, the stipulation on my part was to defray their necessary expenses, and present their services to the consideration of the General Assembly for compensation. Those services, on account of several considerations, were certainly meritorious and attended with considerable fatigue and exposure.

The request which has convened you for the discharge of your public duties was not determined on without reflecting upon the personal inconvenience which might be experienced by some of the members of the General Assembly. The period of your meeting, however, will not add to the public expenditures; though the time afforded thereby may be found necessary to prevent a serious public loss, and to avoid a corresponding responsibility which would otherwise be its attendant.

The peculiar and interesting situation of the state will require much precaution and patriotic exertion on the part of those particularly to whom its legislative functions have been confided to resuscitate its financial concerns and provide for the present and future demands in such manner as the public faith of the state imperiously requires. Local jealousies and partialities should be avoided, and the public concerns regulated and directed by the first principles upon which our political fabric has been erected; uniting our common exertions

to effect the great objects for which delegated authorities have been constituted.

With the confidence which has been reposed by our fellow citizens in the beneficial results to be realized from your deliberations, allow me to unite, imploring the assistance of that Power without whose coöperation every other will be unavailing.

JONATHAN JENNINGS

STATE TREASURER'S REPORT

TREASURY DEPARTMENT, 21st November 1821

Sen. Jour. 1821, p. 21

The treasurer in obedience to the act of the general assembly entitled "an act concerning the Auditor of public accounts, and Treasurer of State,"

Submits the following report:

That there was remaining in the hands of the treasurer, on the 27th day of November, 1820, the sum of	$146.96⅓
That from the 27th day of November 1820 to the 17th day of November, 1821, there has been received on loan, the sum of	1,800.00
Within the periods above mentioned there has been paid into the treasury by sundry sheriffs, and other collectors of the revenue, due the state, for the year 1820, and also for arrearages due for prior years, the sum of.....	11,144.00
From the sheriffs of Jefferson, Jennings and Pike, for the year 1821, the sum of.....	677.00
There has been received from the superintendants of salt lick reserved sections, the sum of.....	256.00
From the late sheriff of Harrison county, [John Tipton] in execution against sundry citizens of Harrison county, [for governor's house rent] the sum of.....	91.00
From the sale of depreciated bank paper, the sum of	26.56
In addition to which there has been received from his Excellency Jonathan Jennings, treasury notes [reissue] to the amount of.....	10,000.00
Making a sum total of.....	$24,142.11½

Within the periods above mentioned there has been paid at the treasury, in discharge of the contingent expenses of government.....	501.86
In the payment of the officers of the executive...	2,300.00
In payment of the members of the General Assembly, and incidental expenses attendant thereon, embracing also the postage on letters, the allowance to agents of salt lick reserves, for the enumeration of the white male inhabitants of this state, and compensation to the commissioners who ran the state line, [Indiana-Illinois] the sum of.....	9,180.45
In payment of the officers of the Judiciary, the sum of	5,501.72
In payment for wolves destroyed, the sum of....	90.00
In payment of the interest on the loan.....	1,300.00
In payment of the militia claims, the sum of.....	212.29
In the depreciation of bank paper, the sum of....	99.00
Making the sum total of.....	$19,715.32

Leaving a balance in the hands of the treasurer,
on this day of..... $4,426.79

All of which is respectfully submitted.

D. C. LANE, *Treasurer*

SPECIAL MESSAGE: REPORTS OF STATE BANK AND BRANCHES

November 21, 1821

Vincennes Western Sun, January 12, 1822

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The details herewith submitted to the General Assembly in relation to the State bank and branches, are not to be considered as minutely correct. They are substantially correct as it regards the branches, but the state of the books of the Vincennes bank, was not such as to afford accurate information on all the subjects required, inasmuch as many of the running accounts were not balanced. It is remarkable that the Brookville branch, by negotiation, added to the amount of its paper in circulation during the month of March last, notwithstanding the assurance given in behalf of that institution on the 9th of November, 1821.

JONATHAN JENNINGS

INCLOSURE 1

BROOKVILLE, April 26, 1821

The cashier will give me a statement under oath with regard to the disagreement between the Vincennes and Brookville banks as appears on the face of their reports of the 17th of November by Vincennes bank, and 30th September, 1820, by Brookville branch bank, and whether the excess charged to the latter has been issued on said branch by the Vincennes bank. Whether, if such issue has taken place, it has been with the knowledge and consent of the directors of this branch? Whether the president or cashier of this branch bank have been notified of any issue as above described by the officers of the Vincennes bank? Whether the paper so issued on this branch, or any part thereof, has been placed to its credit by the Steam Mill Company [which] was not embraced in the report of the 30th September last, under the item of foreign bank paper deposited in this branch bank, or as a deposit in foreign banks to its credit?

J. JENNINGS

INCLOSURE 2

BROOKVILLE BRANCH BANK,
April 27, 1821

HIS EXCELLENCY JONATHAN JENNINGS:

SIR—In compliance with your note of yesterday, requiring of me, firstly, a statement shewing the cause of the disagreement between the Vincennes and Brookville banks, as appears on the face of their reports of the 17th November by the Vincennes bank, and 30th September 1821 by the Brookville branch bank; secondly, whether the excess charged to the latter has been issued by the bank of Vincennes on said branch; thirdly, whether, if such issue has taken place, it has been with the knowledge and consent of the directors of this branch; fourthly, and whether the president or cashier of this branch have been notified of such issue as above described by the officers of the Vincennes bank; fifthly, whether the paper so issued on this branch, or any part thereof, has been placed to its credit by the Steam Mill Company, or exchanged with said company for its paper; and lastly, whether the amount which may have been thus issued by the bank of Vincennes and paid to the Steam Mill company was not embraced in the report of the

Brookville branch bank of the 30th September last, under the item of foreign [out of the state] bank paper, deposited in this branch bank, or as a deposit in foreign banks to its credit.

In relation to the first point, I beg leave to state to you that, to the best of my knowledge, it was occasioned in part by certain bills of exchange, amounting to $5,000, drawn payable ninety days after date, at Vincennes; which bills were negotiated by me, with the consent of the President of this branch, and on condition that the bank of Vincennes would execute small notes to that amount, payable at this branch, which condition it appears was agreed to on the part of the mother bank, and the notes executed and issued for that purpose; and at the time I enclosed said bills of exchange to the cashier of the mother bank for collection, they were charged to said bank as cash. This was done prior to the 30th September, but those bills not falling due, when the mother bank made her report, consequently they were not paid, and placed to the credit of this branch at that time. And as for the remaining difference, I will undertake to account for $1,000 of it, which sum was filled up at the mother bank and, as would appear from the advice of the cashier of that bank, was passed to the credit of my account as cashier of this branch on the books of the Steam Mill company. I know of no transaction that would entitle this branch to such [amount] with the Steam Mill company, therefore I did not make it a matter of record on the books of this bank; but which amount, since the rendering of those statements, has been paid into this branch in its own paper, which, together with the aforesaid $5000, has been registered in the books of this branch, making in the aggregate $6,100.

As it respects the second and third points. The excess was issued at the mother bank in the manner aforestated, and without the knowledge and consent of this board of directors, other than the president, so far as appears from the minutes of the proceedings of said board.

And in answer to the fourth and fifth points—I have been advised of such issue by the cashier of the mother bank, but that amount or any part thereof, was never authorised by me to be placed to the credit of this branch in the Steam Mill company at Vincennes, nor exchanged by this branch with said company for its paper.

And as to the sixth and last point—as there never was any such deposits authorised by me, or recognized on the book of this branch, consequently it was not embraced in the report of the 30th September last, under the item of foreign bank paper deposited in this branch, nor as a deposit in foreign banks to its credit, other than as the bills of exchange stood charged, as stated in my answer to your first point, to the bank of Vincennes.

Respectfully, your excellency's ob'dt serv't,

R. BRACKENRIDGE, *Cashier*[1]

STATE OF INDIANA,
FRANKLIN COUNTY, } ss.

Personally appeared before the undersigned, a justice of the peace in and for said county, R. Brackenridge, who after being duly sworn deposeth and saith that the foregoing statement, to which his proper name is subscribed, is true according to the best of his knowledge. Sworn and subscribed to before me this 28th day of April, 1821.

ROBERT JOHN, J. P.

INCLOSURE 3

BROOKVILLE, April 30, 1821

The directors of the Brookville branch bank will be pleased to say under oath, whether the paper issued and put into circulation by the Vincennes bank without previously coming into this branch, or any part thereof, was done with their knowledge and consent, or the knowledge and consent of either of them.

Respectfully,

J. JENNINGS

STATE OF INDIANA,
FRANKLIN COUNTY, } ss.

Be it remembered, that on the 30th of April, 1821, personally appeared before me, R. John, a justice of the peace in and for said county, James Noble,[2] Enoch D. John,[2] Noah Noble,[2] William H. Eads and N. D. Gallion,[2] directors of the

1. Robert Brackenridge or Breckenridge was an early settler of Brookville. When the land office at Fort Wayne was opened he became receiver. He later became a well-known attorney there.

2. James Noble was United States senator; Enoch D. John was the son of Jehu, one of the first settlers, and soon moved to Lawrenceburg; Noah Noble, brother of James, later became governor of Indiana; and Nathan D. Gallion, a regular of the Twenty-eighth regiment of the war of 1812, located at Brookville in 1814. He kept a store at the corner of Main and Claiborne streets till his death in 1865.

branch bank at Brookville, and being each duly sworn, saith that the paper issued and put into circulation by the Vincennes bank, payable at this branch, without previously coming into this branch, or any part thereof, was done without their knowledge and consent; that [said] paper was issued and put into circulation by the Vincennes bank, payable at this branch, as these deponents have lately been informed. But that these deponents had no other knowledge of the issue or putting in circulation the aforesaid paper, nor did they, or either of them, consent to or authorise the said issue or the putting the paper in circulation by the Vincennes bank, and further saith not.

JAMES NOBLE
N. NOBLE
N. D. GALLION
ENOCH D. JOHN
WM. H. EADS

Sworn and subscribed to, the day and year aforesaid, before me.

R. JOHN, J. P.

STATE OF INDIANA,
FRANKLIN COUNTY, } ss.

Personally appeared before me, Henry Jinkinson, a justice of the peace of said county, Robert John, one of the directors of the Brookville branch bank, who being duly sworn on oath, saith that the issue of paper mentioned in the foregoing statement was without his knowledge, and further saith not.

ROBERT JOHN

Sworn and subscribed to before me this 30th day of April, 1821.

HENRY JINKINSON, J. P.

INCLOSURE 4

BROOKVILLE BRANCH BANK,
April 27, 1821

HIS EXCELLENCY JONATHAN JENNINGS:

SIR—

Agreeably to your note of the 25th inst. requiring me to render you a statement shewing the amount of deposits, and whether in specie or bank notes as well as a deposit of such notes; finding it impracticable to comply with the latter: You have herewith the statement as follows, to-wit:

General deposit (this amount is specie or its equivalent)	$5,975.42
Special deposit (this amount is current, or what is termed bankable paper)	2,655.53
	$8,630.95

Making in the aggregate $8,630.95 cents; which statement includes deposits made by banks as well as individuals.

Respectfully, your excellency's ob'dt. serv't,

R. BRACKENRIDGE, *Cashier*

STATE OF INDIANA, }
FRANKLIN COUNTY, } ss.

Personally appeared before the undersigned, a justice of the peace in and for said county, R. Brackenridge, who after being duly sworn, deposeth and saith, that the foregoing statement to which his proper name is subscribed is true according to the best of his knowledge.

Sworn and subscribed to before me this 28th day of April, 1821.

ROBERT JOHN, J. P.

ENCLOSURE 5

BANK OF VINCENNES, STATE BANK OF INDIANA,
April 3, 1820

R. BRACKENRIDGE, Esqr. *Cashier:*

DEAR SIR—We have issued the following notes payable at the Brookville branch bank, for which your account is debted, viz: 100 sheets, $1, 2, 3 and 5 each, No. 701 to 800, inclusive, dated 8th March, 1821, amounting to $1100, which notes you will please record in your book kept for that purpose. The above amount was paid to the Steam Mill Company, for which you have a credit on their books.

Very respectfully, &c.

(Signed) E. BOUDINOT, *Cashier*

ENCLOSURE 6

BANK OF VINCENNES, STATE BANK OF INDIANA,
March 1, 1821

ROBERT BRACKENRIDGE, Esq. *Cashier:*

DEAR SIR—Your account has credit $5000 for B. Parke, agent, draft forwarded by you for collection. The notes is-

sued here for that purpose if not registered you will register them accordingly,—100 notes of $1, 2, 3, and 5 each, No. 801 to 900, dated 8th March, 1819, $1100; 355 notes, $1, 2, 3, and 5, each, No. 1200 to 1555, dated 8th March, 1819, $3,905; total $5,005.

Yours, &c,

(Signed) E. BOUDINOT, *Cashier*

The foregoing is a true copy taken from the originals.

A. P. ANDREWS, *Clerk B.[rookville] B.[ranch] B.[ank]*[3]

ENCLOSURE 6

THE AMOUNT OF CAPITAL OWNED BY THE BROOKVILLE BRANCH ON THE 24TH OF APRIL 1821, AND THEN IN POSSESSION OF THE SAID BRANCH BANK

In specie	$9,854
Notes on the U. S.'s bank	1,040
Bank of America, N. Y.	10
Miami Exporting company	1,421.31¼
Vevay branch bank	328
Vincennes bank	571
Lawrenceburgh branch	190
Corydon branch	242
Bank of the Valley of Virginia	5
Urbana Banking company	10
Banking house, John H. Piatt & Co.	19
Bank of Barboursville	20
Franklin bank of Brookville	13
German Bank of Wooster	5
Lebanon Miami Banking Company	1
Bank of Cincinnati	3
——— of Hamilton, Ohio	4
Dayton Manufacturing Co.	3
Middleton bank Connecticut	2
Ontario Bank, New York	5
Treasury notes	260
	$14,009.31¼

3. A. P. Andrews was a young man from Ohio. He later settled at Laporte and became a well-known banker and business man of northern Indiana.

Amount of Deposits in the Brookville Branch Bank to the Credit of the Other Banks as Well as Individuals

In specie	$5,975.42
Current paper	2,655.53
Total	$8,630.95

The Amount of Paper in Circulation Payable at the Brookville Branch Bank on the 24th April, 1821

In Brookville branch notes	$47,774
Ditto in exchange tickets	9,986.62½
Total amount in circulation	$54,760.62½
Of which sum by an understanding between John Test and Robert Brackenridge, Esqrs., the president and cashier of the bank, there was issued by the Vincennes bank to satisfy certain bills of exchange	6,000.00
Leaving the amount issued by Brookville, at	$48,760.62½

The Amount Owing by Bbookville Branch Bank

To the bank of Vincennes	$30,000
Bank notes in circulation	47,774
Deposits in bank	8,630.95
Change of tickets emitted	6,986.52½
Dividends since last declared	927.54
	$95,319.11½

Amounts of Debts Owing to the Bbookville Branch Bank

Bills receivable (for notes and bills of exchange discounted)	$63,991.64
For amount foreign paper on hand	4,155.31¼
For deposit in Vincennes bank on payment B. Parks, agent's, draft	5,000

For amount deposited in the City Bank of N. Y...	122.73
For amount deposited in bank, Cincinnati.....	1,160.37½
For amount due from individuals for discounts unpaid	4,397.52
	$78,827.57¾

The amount owing by the Directors of the Brookville branch bank, by loans from said bank is..	$31,950
Amount owing by other individuals, on like considerations	$52,041.64

The directors are John Test, *President,* Enoch D. John, Williams H. Eads, James Noble, Robert John,[4] John Allen,[4] Sen. Nathan D. Gallion, Joseph [Robert?] Brackenridge, John Jacobs,[4] James Backhouse[4] and Noah Noble, all of whom have been in office as such since the bank was organized, except James Noble, who took his seat as such in June, 1820.

The only director who remains in office after overdrawing, so far as I was able to discover in relation to who were then drawers, is John Jacobs.

In relation to the cause of the disagreement between the report of the Vincennes bank and Brookville branch, as well as other inquiries contained in the said resolution, I refer you to interrogatories marked A, and to the affidavits of the cashier and directors of the latter bank, marked B, and to certified copies of letters from the cashier of the former, to the cashier of the latter institution, marked C.

J. JENNINGS

ENCLOSURE 7

CAPITAL OWNED BY THE VEVAY BRANCH BANK IN MAY, 1821

Specie	$1,997.65
Notes on Vincennes bank	2,100
Notes on Steam Mill Co.	490
Notes on Lawrenceburgh B.[ranch] B.[ank]....	16
Notes on State bank Tennessee	10

4. Robert John was sheriff of Franklin county, 1825-27; John Allen was a county commissioner, 1824-27; he was a Quaker, coming from Carolina in 1805. He built one of the first mills of Brookville and advertised an addition to the town. John Jacobs came to Brookville in 1816 and was in business with the Nobles. When the Vincennes bank broke he was sent to look after the interests of Brookville men, many of whom lost heavily. James Backhouse was a partner of Brackenridge in the milling business as early as 1818 to 1822.

Notes Chilicothe do. Ohio	5
Notes on Oneida do. N. Y.	5
Notes on Farmers and Mechanics do. Albany N. Y.	10
Notes on Corydon branch	17
Notes on State do. Kentucky	1
	$4,651.65
Deposits	none

Amount of Paper in Circulation Payable at the Vevay Branch

Notes	$20,279
Tickets	2,815.93¾
Receivables	689
Total	$23,783.93¾

Amount Owing by Vevay Branch

Capital	$30,000
Notes	23,783
Tickets	2,815.93¾
Receivables	689
Total amount	$72,287.93¾

Amount of Debts Owing to the Vevay Bbanch

Amount discounted on loans	$51,599.17
Amount owing from Vincennes and other banks..	550.96
	$52,150.13

Amount owing by directors of the Vevay branch.	$8,653.78½
Am't owing by other individuals on like considerations of loans	42,945.39
Total amount	$51,599.17½

No Director of the Vevay branch has had at any one time on loan more than the sum allowed by the charter.

The Directors[5] are John F. Dufour, John J. Dufour, Elisha Golay, Charles F. Kurtz, Thomas Gilleland, Thomas Arm-

5. The Dufours, Golay, Kurtz, Gillelands, Armstrong, Siebenthal, Dalmazoo and Morerod were early settlers of Switzerland county. The Dufours, Golay, Siebenthal, Dalmazoo and Morerod were of the Swiss company who founded Vevay.

strong, John Gilleland, John F. Siebenthal, James Dalmazoo, John D. Morerod, and one vacancy for a time more than one year past.

ENCLOSURE 8

SITUATION OF THE CORYDON BRANCH

Specie		$4,053.50
Capital Notes state b'k & brs.		2,000
Tickets		.62½
		$6,060.12½
Deposits in notes on State bank and branches		$3,588.42
Amount of notes in circulation on the Corydon branch, including the issue at Vincennes of 3,100		13,897
Total amount		$17,485.42

AMOUNT OWING BY THE CORYDON BRANCH

To State bank, its original capital	$30,010
Notes in circulation	13,897
For deposits	3,590.62½
	$47,497.62½

AMOUNT OWING TO THE CORYDON BRANCH

For notes discounted to directors	$18,323
For notes disct'd. to individuals	20,092.37
By the State bank	3,592.47
Total amount	$42,007.84

Names of Directors—Armstrong Brandon, Dennis Pennington, H. C. Boone, John DePauw,[6] Davis Floyd, from the commencement of the bank. Joshua Wilson, and John Tipton,

6. John DePauw at this time lived at Salem. He located at Millport on the Muscatatuck about 1814, served in the War of 1812, built a mill and ferry at Millport. In 1814 he helped lay out Salem and became agent for the town. In 1819 he was one of a company to organize the White River Steamboat Co. He sawed the lumber for a boat and floated it down from his mill at Millport to Bono. For many years DePauw was a prominent citizen of Salem.

from the 10th March, 1819. Joseph Merrill, from 7th April, 1819. James Kirkpatricks, from 17th Nov. 1819. Jordon Vigus,[7] from 23d May, 1821. Benjamin Adams, from March 1, 1821.

No Director has at any time had an accomodation greater than was authorised by the charter.

Enclosure 9

Vincennes Bank

Capital of the bank paid [in], including the br[anche]s, estimated at		$129,363
Amount of capital deposited in the branches, estimated at		90,010
$90,010, deducted Total amount		$39,353
Amount of Specie in bank on the 14th day of June last	$30	
Amount of branch paper	1,274	
Amount of Treasury notes	175	
Amount of Caroline bank, Maryland	5	
Do. Lebanon Miami do.	5	
Do. Westmoreland do. Penn.	3	
Do. Cynthiana do. Kentucky	2	
Do. notes on broken banks and counterfeits	126	
Do. notes Steam Mill Co.	1,550	
Do. Brookville tickets	48.62½	
Total amount		$3,218.62½
Deposits in said bank to its debit estimated at	$173	
Amount of paper in circulation	11,733	
Total amount		$11,906
Amount owing by Vincennes bank to am't of paper in circulation	$11,733	
To deposits in said bank	173,000	
Total amount		$184,733

7. Jordan Vigus, the Kintners, Harvey Heth and perhaps other citizens of Corydon joined their old townsman John Tipton in 1828 when he founded Logansport. Vigus became a prominent business man, first mayor of Logansport city, 1838, and at one time was proprietor of a stage line from South Bend to Indianapolis. He was one of the canal commissioners at the building of the old Wabash and Erie from Toledo to Lafayette.

Amount owing to Vincennes bank as estimated by Cashier	$243,461.69
But from calculation previously made, from notes discounted and bills of exchange negotiated, the debts owing to the institution from individuals, were estimated at	220,075
Of which sum the Steam Mill Co. was estimated to owe the bank and chiefly in bills of exchange	116,248
Of the amount owing to the bank by notes and bills of exchange	220,675
The Directors owe	17,373
Leaving this sum owing by the Steam Mill company and other individuals	$203,302

The Directors[8] are: David Brown, and Wilson Lagow, from the first Monday of March last; Nathaniel Ewing, John D. Hay, and Elias McNamee, from the commencement of the bank; Arthur Patterson, William Burtch, Samuel Tomlinson, and Robert Buntin, from the 12th of May last; George Ewing, from the first Monday of May last.

The directors concerned in a private institution are Wilson Lagow, Nathaniel Ewing, and John D. Hay. [Steam Mill Co.]

ENCLOSURE 10

OFFICE OF DISCOUNT AND DEPOSITS OF THE FARMER'S AND MECHANICS' BANK OF INDIANA,
LAWRENCEBURGH, 3d May, 1821

JONATHAN JENNINGS, *Esqr.:*

SIR—I received yours of yesterday, and with all due deference to you as the executive of the State of Indiana, as also the joint resolution of the legislature, it has become my duty as president of this board to inform you that, from the principle of policy connected with that part of our bye-laws and charter which impose the oath of office, and which cannot be violated, the examination of our funds, and so forth, as suggested, cannot be tolerated; believing the legislature could only

8. These directors were all citizens of Vincennes. Brown, Lagow, Hay, McNamee, George Ewing, Patterson, Burtch and Tomlinson were storekeepers or traders or both. The bank was in Burtch's store. Buntin was clerk of the court and recorder. Elias McNamee was also editor of the *Centinel* and somewhat of a politician. Nathaniel Ewing was the receiver. So far as known these men were all political supporters of Jennings.

have intended to embrace in that resolution the State bank and its branches, and at the same time, doubting their further prerogative. I am also authorised to say, if the legislature request it, as heretofore, we will report under oath if necessary, our real standing.

Yours respectfully,

ISAAC DUNN, *President*[9]

FARMERS' AND MECHANICS' BANK OF INDIANA,
MADISON, November 14th, 1821

DEAR SIR—Since I saw you last, I have been too much indisposed to make out the accounts of the bank agreeably to the resolution of the legislature. The board of directors have released me from the task. This circumstance must be my apology and your justification in not furnishing the accounts. I presume it can make no difference, as it would be of no consequence either to the public or individuals.

I am, very respectfully,

Your obedient servt.

JOHN SERING, *Cashier*[10]

BANK DOCUMENTS[1]
To May 4, 1821

TREASURY DEPARTMENT, Dec. 10, 1819

SIR

Inclosed herewith is a copy of a correspondence between an

9. Isaac Dunn was an early settler of Lawrenceburg. In 1819 he platted an addition of 125 lots to the town and for many years was a leading business man of the town. The directors of the bank, Ezra Ferris, Isaac Morgan, Walter Armstrong, John Weaver, David Guard, Lazarus Noble, Steven Ludlow, Levi Miller, Moses Schott, George Weaver, Samuel Bond and Amos Lane, were the best known men of Dearborn county and had ample wealth.

10. John Sering opened a store in Madison in 1810, he was county treasurer in 1812, first postmaster of the town. Later he built a cotton mill. For the next 25 or 30 years he was a leading business man of the leading city of the state.

1. Since the bank question was the most difficult and important coming under Governor Jennings' administration the following documents are given in full. They illustrate better than any amount of comment the far-reaching influence of this early experience with banks. For a detailed account see *Banks and Banking of Early Indiana.* From the documents remaining it is impossible to make out satisfactorily the relations of the parties in this affair. Nathaniel Ewing, president of the Vincennes bank, had been Governor Jennings' closest friend in Vincennes. Whether this fact prevented the governor enforcing the law cannot be told. It is certain the state government was suspiciously lenient in its attitude toward the parent bank. Judge Benjamin Parke seems not to have been held responsible in public opinion for his part in the deal. On the other hand, D. C. Lane of Corydon seems to have incurred the ill-will of the governor and was turned out of office.

officer of the bank of Vincennes, the state bank of Indiana, and myself, relative to the interest due that Institution from the State of Indiana.

I am, with sentiments of respect, &c.

D. C. LANE, *Treasurer of Indiana*

BANK OF VINCENNES, STATE BANK OF INDIANA,
April 8, 1819

D. C. LANE, Esq. *Treasurer of Indiana*

SIR

The interest on the money loaned the State of Indiana, by this Institution, is become due.

It must be paid in notes of the bank of the United States, of this bank, or specie; no other money is received for discount.

Very respectfully yours, &c.

E. BOUDINOT, *Cashier*

CORYDON, 29th of April, 1819

SIR,

By the last mail, I received your letter of the eighth instant, announcing to me, that the interest due from the State Bank of Indiana, had then become due and must be paid in notes of the State Bank, and the bank of Vincennes, or in Specie. I am sorry to inform you, that this requisition is not in my power, there being no such resources in the Treasury of this State. So soon as I am vested with the fund, as required, no time shall be lost in discharging the interest due your institution, from the State of Indiana.

I am very respectfully,

yours &c.

D. C. LANE

E. BOUDINOT, *Cashier of the Bank of Vincennes, the State Bank of Indiana*

BANK OF VINCENNES, THE STATE BANK OF INDIANA,
25th May, 1819

DANIEL C. LANE, Esq. *Treasurer of State*

SIR

I received your letter of the 29th ult. some time since informing me that you had not the kind of money in the Treas-

ury, to pay the interest due from the State, to this institution, that I require by my letter of the 8th ultimo.

In addition, I will receive the Bank of Kentucky, and its Branches, the Commercial Bank of Louisville, N. and S. Carolina, and Richmond.

I am very respectfully,

yours &c.

E. BOUDINOT, *Cashier*

H-J-1819-49-51

CORYDON, December 11, 1819

TO THE HONORABLE THE HOUSE OF REPRESENTATIVES OF THE STATE OF INDIANA

Understanding that reports have been put in circulation calculated to injure my reputation as an officer of government as well as a citizen, I have thought it my duty to the state as to myself, to solicit your honorable body to appoint a Committee to examine into such points as may be calculated to throw the least shade of a want of integrity on my part. Conscious of my own integrity, it is most respectfully requested that my wishes may be complied with for the reputation of the government, as well as my own feelings and reputation as an officer thereof.

Yours very respectfully, &c.

D. C. LANE

H-J-1819-61

MR. MILROY, from the Committee on banks, reported, in part, that the Committee had, according to order, had the subject referred to them, under consideration, and that they are not prepared to report any opinion of the situation of the state Bank of Indiana, as it is believed that to form a proper estimate thereof, the Committee ought to have been furnished with a separate report of the situation of the different branches, unconnected with that of the mother bank, and in conformity to this belief, that the following letter was addressed to the Cashier of the Corydon Branch Bank, viz:

CORYDON, December 17, 1819

SIR—

I am directed, by a Committee appointed by the House of Representatives for the purpose of inquiring into the situation

of the several Banks in this state, of which I have the honor to be Chairman, to call on you for a written statement of the situation of the branch of the state bank of which you are Cashier; which statement is required to designate the amount of paper furnished by the Vincennes Bank, for the use of the Corydon branch. The amount of notes discounted, the amount of specie in bank, the amount of deposits, with the amount of paper of other banks on hand; I am instructed by the Committee to request you, if practicable, to furnish the necessary communication on this subject, on or before Saturday evening next, as the Committee stands adjourned till that time.

Your compliance with the above request, will confer an obligation on

Sir, yours respectfully,

SAMUEL MILROY

Chairman of the Committee on Banks

THOMAS POSEY, Esq.

To which the following answer was received.

CORYDON BRANCH BANK, December 18, 1819

SIR—

Yours of yesterday was handed in by the doorkeeper of the House of Representatives.

I am sorry to inform you, and through you the Committee of which you are Chairman, that without violating my oath, I cannot furnish you with the statement which you have required of me. It is not my wish to withhold from you any information which it is in my power to give relative to the bank. At the same time I cannot violate an oath which I have taken, not to divulge any of the secrets of the institution of which I am Cashier.

This day's mail has charge of a letter from me to the President and Directors of the parent Bank, upon the subject of your communication. The moment I receive their instructions, I will act in compliance thereto.

Very respectfully, yours, &c.

THOMAS POSEY, *Cashier*

General SAMUEL MILROY, *Chairman*[2]

2. The Milroy family was prominent in the early history of the state. Samuel Milroy represented Washington county in the constitutional convention and for a number of years in the state senate. John Milroy was a captain in the state militia as early as 1814, serving in the War of 1812. He also sat in the senate from Washington county. In 1826 the family moved to Carroll county, where Samuel was the founder of Delphi. He was a moral leader and is said to have sponsored the first law in Indiana

The committee then determined to require a report of the situation of the branch Banks from the parent Bank, as it is understood that through that channel it will be promptly furnished.

The committee in the further prosecution of the duties assigned them, have determined to request a report of the situation of the Farmers' and Mechanics' Bank of Indiana, at Madison, and the branch thereof at Lawrenceburgh.

The committee further report; that they have adopted the course they are pursuing, from a belief that it is due from the chartered Banks in this state, and their branches, to the people of Indiana, to make known their true situation, at the same time that it is but justice to themselves, if they are as solvent as they are believed to be. And that as soon as the communications are received from the banks, they will be submitted, and in the mean time, that the Committee would attend to the duties which have been assigned them by the House of Representatives.

H-J-1819-127-129

Whereas it is necessary, every information relative to the situation and government of the banks of the state of Indiana, should be sought for and acquired by the present General Assembly that can be had in justice and good faith, and consistent with the constitution of the state and the charters of the banks, in order to give satisfaction to the people of the state, and to enable the present General Assembly, to guard against the evil effects of circulating depreciated bank paper;

And *whereas* the executive of the state, is authorized by the charter of the bank of Vincennes, the state bank of Indiana to examine in person the books and accounts of said bank of Vincennes and her branches; therefore,

Be it resolved, That the Senate be requested to appoint a

against gambling and to have organized the first temperance society. His son Col. John B. was one of the early settlers of Rensselaer.

Samuel Milroy was born in Pennsylvania, August 4, 1780, a lineal descendant of Robert Bruce, and for participating in the Bruce rebellion his ancestor John M'Elroy, Earl of Annandale, fled from Scotland, changing his name to Milroy. About 1800 Samuel and John, his older brother, left their home near Carlisle, Pa., and after traveling over the Ohio valley, from Pittsburgh to St. Louis, finally located in Kentucky. He led a company of militia to Indiana to avenge the Pigeon Roost massacre in 1812 and in 1814 the Milroy family moved to Washington county, Indiana, locating about five miles east of Salem, where they started a blacksmith shop and frequently ran flatboats to New Orleans. In 1826 he sold his farm and moved to Carroll county, locating about one mile from Delphi on Deer creek. His biography is part of the political history of the state, a Jackson standard bearer, till his death May 26, 1845. His monument is in the old Delphi graveyard.

committee to act with the committee appointed by the house of representatives, on that part of the Governor's message, relative to the banks and the circulating medium of the state, and that the said joint committee call upon the Governor of the state for the following information, and that if it is possible for him to give it from a personal examination, if not by a call upon the banks.

1 What are the bye-laws, ordinances and regulations of said institutions, and whether they are consistant with the constitution and laws of the state.

2 Whether the vacancies occasioned, in the directory by death, resignation or removal, have been filled up by election for the balance of the year.

3 Whether the amount of debts owed by said banks have been at any one time, more than double the amount of silver, or its equivalent actually deposited for safe keeping: and if so to report the names of the directors.

4 Whether the banks have taken more than six per cent. interest per annum.

5 Whether any director of a branch bank has had at any time on loan more than five thousand dollars.

6 Whether any of the directors of the mother bank, or branches are either directly or indirectly concerned in any private or individual banking institution, and if so to report the names of the directors.

7 Whether the mother bank of Vincennes has not issued notes payable at the branches without their consent or knowledge.

8 Whether the directors of the bank of Vincennes, the state bank of Indiana, have laid before the stock-holders, at any general meeting, an exact and particular statement of debts unpaid said institution, as by the charter required.

9 Whether the solvency of said bank has been impaired by the default of any of its officers, and if so who they are and who are their accomplices.

10 In order that the present General Assembly and the people of the state may be enabled to judge of the solvency or insolvency of the banks, that the Governor report the amount subscribed and actually paid in on stock, and by whom now owned; the amount on special deposit, and the amount on general deposit, and of what kind of money it is on deposit;

if it is bank paper, on what banks, and by whom deposited; the amount of paper in circulation; the amount of debts due and by whom, with the names of the indorsers; the amount of silver, gold, and United States' paper on hand, and by them owned, and the value of the real estate owned.

11 That if the information asked for, is obtained by a call upon the banks by the Governor, that the proper officer or officers make it upon oath.

12 That the Governor communicate the information aforesaid to the present General Assembly, if obtained in time, and if not to the next General Assembly.

13 That the said joint committee take all ways and means to obtain the like information, relative to the Bank of Madison and her branches, and report to their respective houses; to which they request the concurrence of the Senate; and

That the committee on the part of the house of representatives consists of Messrs. Clark, Robb, Gibson, Merrell, Powell, Holman, and Goudie.

S-J-1820-67-69

Mr. Clark from the committee on the subject of Banks and the Circulating Medium made the following report:

The joint committee on banks, and the circulating medium, to whom was referred the resolution, instructing your committee to call on the chief Executive of this state, for certain information therein contained relative to the situation of the different banks within the state, have performed the duty required of them, by laying the resolution referred to them, before his Excellency the Governor. The documents herewith submitted and marked A, B, C and D, will more fully develope the subject referred to your committee. [these documents have not been found] The document marked A, is a communication from his Excellency the Governor to your committee, on the subject submitted by them. The document marked B, is a communication from the cashier of the Corydon branch bank, to his Excellency the Governor, on the subject of the affairs of that institution. The documents marked C and Nos. I to VII, contain the report of the Corydon Branch Bank, as also sundry communications from the cashier of the state bank of Indiana, and agent of the Steam Mill Company, together with the proceedings of the board of directors of said branch bank, on the 27th of April and 23d of September last.

MR. SPEAKER—

Your Committee on the subject of banks, have to report that in the further prosecution of the duties assigned them, (believing that a full and comprehensive view of the situation of the several banks and their branches, respectively) was necessary to enable to a proper estimate of the solvency thereof, to be formed, addressed to the president and directors of the bank of Vincennes, the State Bank of Indiana, the following letter.

CORYDON, Dec. 23, 1819

GENTLEMEN,—

I am instructed by a Committee of the House of Representatives, appointed to inquire into the situation of the several banks of this state, of which I have the honor to be chairman, to request of you, a report of the state bank, and its branches, separate and unconnected with each other, and that those reports do specify the amount and character of all the debts and credits of those institutions, severally and particularly; the amount of specie on hand; the amount of discounts; the amount of deposits; the amount of paper on other banks; the amount of paper in circulation of each, and where issued; and the amount of paper furnished to each branch by the mother bank.

Reports in conformity with the above is deemed necessary to elucidate the report of the state bank communicated by his Excellency the Governor, to the General Assembly.

A compliance with the request of the Committee who are acting under the direction of the House of Representatives, will confer an obligation on, Gentlemen, Yours, most respectfully.

SAMUEL MILROY, *Chairman*

To which Communication, no answer or report has been received.

Your Committee are therefore unprepared to report any opinion as to the situation of the bank of Vincennes, the state bank of Indiana.

Your Committee also addressed the following letter to the president and directors of the Farmers and Mechanics Bank of Indiana, at Madison.

GENTLEMEN,—

I am instructed by a Committee of the House of Representatives, appointed to inquire into the situation of the several banks in this state, of which I have the honor to be chairman, to request of you, a report of the situation of the institution under your direction.

It is requested that the report of the mother bank, and of the branch at Lawrenceburgh, be separate and distinct from each other.

And in addition to the general account of those banks, that the report of the Lawrenceburgh branch shew the amount of paper furnished by the mother bank, for the use of that branch.

Your compliance with the request of the Committee who are acting under the direction of the House of Representatives, will be thankfully received, by gentlemen, your, &c. respectfully,

SAMUEL MILROY, *Chairman*

And in conformity with the request of the Committee, a report from that bank has been received from which it would appear that the Farmers and Mechanics Bank of Indiana, at Madison, is in a state of solvency, and that the debts due that institution, are well secured. The bank is certainly able to redeem all the paper that it has in circulation.

Your Committee are informed by the report, that that institution does not at present pay specie for its notes. How far the suspension of specie payments by the banks of neighboring states, render that measure necessary on the part of the Farmers and Mechanics Bank of Indiana, at Madison, your Committee are not prepared to decide.

Your Committee however would remark, that the course of conduct on the part of the banks generally, which render the notes of the parent bank, and the branches thereof, of unequal value, are in the opinion of your Committee unwarrantable, and that it is the duty of the bank, to adopt measures to answer equal credit and currency to the notes of the branches, with those of the mother banks.

Your Committee deem it inexpedient to make any other additional report, and therefore, request to be discharged.

H-J-1819-365-367

BANK OF VINCENNES, THE STATE BANK OF INDIANA,

January 9, 1819

Am. Sta. Pa. III, 734

SIR:

By order of the board of directors of this bank, I submit to you the enclosed propositions [see following] for receiving the deposites of public money for lands sold in this district.

Should those propositions meet your approbation, and be embraced by the principal banks in the western country, we have no doubt but it will promote the interest of the western people generally. It will enable the banks to loan to those who may be engaged in collecting and carrying the produce of the western country to the New Orleans market; it will enable the people to pay for their lands with the notes they receive for their productions; it will enable the banks that loan their money to the New Orleans traders to redeem their notes taken in the land office, by causing the amount due them by those traders to be deposited to their credit in the office of discount and deposite of the Bank of the United States at New Orleans, and the United States will have all their funds, derived from the western country, concentrated at New Orleans, from which they may be applied to any purpose of the General Government.

The present situation of the western people is distressing; they cannot get for their produce one dollar of the kind of money that will be received in payment of their debts due to the United States. It is not for want of a sufficient quantity of produce that the western people do not pay their debts, but for the want of system in bringing the products of their labor to its proper market. The banks of the United States west of the mountains issue but few notes, and those few are immediately collected by the merchants and sent to the eastward. The State banks of the western country have generally perverted the system of banking, and, instead of encouraging and fostering those who were employed in collecting and exporting the produce from which their country derives its wealth, they have built up their capital in cities and towns, from which they may, perhaps, derive the interest of their money, but cannot again withdraw their funds, at least for a long time; but if the enclosed propositions should be adopted generally, we are

induced to believe that it will tend to correct this error, and enable the banks of the Western States to regain their credit.

I am, sir, very respectfully, your obedient servant

NATHL. EWING, *President of the Bank of Vincennes*

The Hon. WM. H. CRAWFORD, *Secretary of the Treasury of U. S.*

TO THE HONOURABLE THE SECRETARY OF THE TREASURY OF THE UNITED STATES THE MEMORIAL OF THE DIRECTORS OF THE BANK OF VINCENNES RESPECTFULLY REPRESENTS:

January 9, 1819

That, inasmuch as no branch of the United States Bank has been established in this State, your memorialists conceive your honor to be left at liberty to dispose of the public funds received in this place as you may think proper; that, previous to the establishment of the United States Branch Bank at Louisville, Kentucky, this bank had been made the depository of the public moneys in this place; that it has always promptly complied with all the requisitions of the Department of the Treasury; that it has invariably redeemed all its notes with specie, when demanded, since the 20th February, 1817; that your memorialists are strongly of opinion that the citizens of this state have a right to the use of the public moneys raised within this state, when they are not wanted by the government—an opinion in which they believe they are seconded by the unanimous voice of their fellow-citizens of this state; and that, from your letters of the 1st and 11th July, 1818, your memorialists did expect that this bank was again to enjoy the advantage of the public deposites. Why the arrangement was not entered into your memorialists are unable to determine, inasmuch as, by their answer to your letter, they informed you that they accepted the propositions therein contained.

Your memorialists would further respectfully represent that the debtors of the United States in the western country, (or, in other words, the purchasers of the United States lands) labor under distressing and almost insuperable difficulties in meeting their engagements with the government, not so much from their want of means, as from the scarcity of such funds as are receivable in payment of public lands. Should the

country continue in its present situation with respect to these funds, many an honest citizen, many an industrious farmer, who has migrated to this country, and has paid his last eighty dollars as a first instalment on his quarter-section of land, will be compelled at the end of five years, to leave his favorite spot, his cabin, and all the comfortable improvements which the labor of his own hands has acquired, and, with his wife and children, seek a new home, without money to procure it. And why? Because the produce of his farm, although he may have an abundance to spare, will not command such funds as government demand for the completion of his payments. New Orleans is the great emporium of the western country; and your memorialists feel deeply impressed with the conviction, that if the public moneys were deposited in that place it would redound to the advantage both of the government and of every individual of whom the community is composed, by equalizing the circulating medium of the country, and thereby enabling the public debtors to comply with their engagements.

Under these impressions, and to effect these desirable objects your memorialists beg leave to propose that this bank be again made the depository of the moneys received in payment for public lands in the district of Vincennes, upon the following conditions, *viz:*

1st. The bank will be subject to drafts from the Department of the Treasury, to any amount that may be required, in favor of individuals, on sight.

2d. The bank will deposite the remainder in the United States Branch Bank at New Orleans, at the end of each year.

By this means the bank could loan to such enterprising citizens as might wish to purchase the produce of the country for exportation, and require in payment of the loan a certificate of deposite in the United States Branch Bank at New Orleans, to the credit of this bank: thus all the surplus funds of the Government might be transferred to New Orleans, in the natural course of business, where we believe they would be worth considerable more than they are in this country.

Your memorialists do not wish to have all the benefits of such a course of things confined to their own institution; they therefore further propose that the notes of all such banks as you may direct shall be receivable in payment of public lands, provided the said banks will agree to redeem the amount of their notes received in each year, by deposites in the Branch

Bank of the United States in New Orleans. Should not these propositions meet your approbation, this bank still considers itself bound by the arrangements made between it and the Treasury, by your letters of the 1st and 11th of July, 1818, and our acceptance of the 6th of August of the same year.

Your memorialists conclude, by expressing their wish that you would give the subject that early and due consideration which it demands.

By order of the directors of the Bank of Vincennes, the state Bank of Indiana:

NATHANIEL EWING,
President of the State Bank of Indiana

TREASURY DEPARTMENT, March 12, 1819

Am. Sta. Pa. Finance III, 736

SIR:

Being desirous of removing, as far as may be in my power, consistently with the public interests, the inconveniences to which the public debtors are subjected by the disordered state of the western currency, I have made propositions to some of the principal banks in Ohio, to the Branch Bank of Kentucky at Louisville, and to the Bank of Illinois, for an arrangement by which the paper of such banks as pay their notes in specie, on demand, and are otherwise in good credit in those districts, may be received in payment of dues to the United States.

As these terms are more favorable than those which I had before proposed to the Bank of Vincennes, and which were accepted by it, I have thought it equitable to tender them to that bank. And the receiver of public moneys at Vincennes is instructed, on receiving from you an official copy of the unconditional act or acceptance of these terms, to deposite in that bank such moneys as he may receive from time to time, in consequence of this arrangement.

In making this proposition, it is understood that the Bank of Vincennes does now discharge its notes in specie, or will do so when this arrangement takes effect, and that the notes of any bank which does not discharge them in specie, on demand, cannot be received.

If this proposition [see following] is accepted, it will be necessary to furnish the receiver of public moneys at Vincennes with a copy of the list referred to in the first article.

I am, &c.

WM. H. CRAWFORD

Conditions on Which the Secretary of the Treasury Will Employ the [State Bank of Indiana] as a Depository of the Public Moneys

Treasury Department, March 12, 1819

Am. Sta. Pa. Finance, III, 725

1. That the bank will receive from the receivers of public moneys, and others having moneys to deposite on account of the Treasury, the paper of such banks (whose paper is in circulation in their vicinity) as pay their notes in specie, on demand, and are otherwise in good credit, (a list of which will be furnished to the Secretary of the Treasury by the bank,) and will credit the same to the Treasurer of the United States as cash. The bank may, however, discontinue to receive the paper of any of the said banks; but, in such case, it shall give immediate notice thereof to such receivers or others who usually deposite public moneys in it; and the notes of any such banks which may have been received by them before such notice shall, nevertheless, be taken and credited by the Bank of Steubenville as cash.

2. That the bank shall pay, at sight, all drafts which the Treasurer of the United States may draw on it; and shall, from time to time, transfer to the Bank of the United States, or its branches at New York, Baltimore, Washington, or New Orleans, in such moneys as will be received as cash, the excess of public moneys remaining on deposite, after such drafts are paid, over and above the sum of fifty thousand dollars; which sum of fifty thousand dollars shall remain on deposite during the continuance of this arrangement and shall be transferred in like manner within six months after the said bank shall cease to be employed to receive the public moneys. It is agreed, however, that if the amount received by the bank shall be so large as that the expense of the remittance shall exceed the benefit of the deposite, the sum which is to remain on deposite in the bank may be proportionably increased.

3. That the bank shall render to the Secretary of the Treasury and to the Treasurer of the United States duplicate monthly returns of its account with the Treasurer, and shall also render to the Secretary of the Treasury monthly returns of the state of its affairs; which latter returns shall be considered confidential. In these latter returns must be noted the sums standing on the books of the bank to the credit of any public officer or agent. The bank shall also render to the Sec-

retary of the Treasury, as soon as practicable, a list of its debtors, showing the amount due by each, and shall render a similar list quarter-yearly; this list will likewise be considered confidential, and will in no case be made public; it being intended for the use of the Secretary of the Treasury, in determining on the propriety of continuing or discontinuing the arrangement with the bank.

It is understood that, if the money deposited in the bank to the credit of the Treasurer can be disbursed at the bank, the drafts of the Treasurer shall be paid at sight, notwithstanding such payments may reduce the deposite below the sum of fifty thousand dollars.

It is also understood that the sum now due by the bank is not to be affected by this arrangement, nor to be considered as forming part of the same deposite.

BANK OF VINCENNES, THE STATE BANK OF INDIANA

Thursday, April 20, 1819

Am. Sta. Pa. Finance, III, 736

The board met, according to adjournment: Present, Nathaniel Ewing, *president*; Charles Smith, Samuel T. Scott, John McGiffin, E. McNamee, W. E. Breading.

On motion,

Resolved, That this bank do accept of the deposites of the public moneys of the United States, on the conditions proposed by the Secretary of the Treasury of the United States, by his letter of the 12th March, 1819, which conditions are as follows, viz:

1. That the bank shall receive from the receivers of public moneys, and others having moneys to deposite on account of the Treasury, the paper of such banks (whose paper is in circulation in its vicinity) as pay their notes in specie, on demand, and are otherwise in good credit, (a list of which will be furnished by the bank to the Secretary of the Treasury,) and will credit the same to the Treasurer of the United States as cash. The bank may, however, discontinue to receive the paper of any of the said banks. But, in such case, it shall give immediate notice thereof to such receivers or others who usually deposite public moneys in it; and the notes of any such banks which may have been received by them before such notice shall, nevertheless, be taken and credited by the Bank of Vincennes as cash.

2. That the bank pay, at sight, all drafts which the Treasurer of the United States may draw on it; and it shall, from time to time, transfer to the Bank of the United States, or its branches at New York, Philadelphia, Baltimore, Washington, or New Orleans, in such moneys as will be received as cash, the excess of public moneys remaining on deposite in the Bank of Vincennes, over and above the sum of seventy-five thousand dollars; which sum of seventy-five thousand dollars shall remain on deposite in the Bank of Vincennes during the continuance of this arrangement, and shall be tranferred, in like manner, within six months after the said bank shall cease to be employed to receive the public moneys. It is agreed, however, that if the amount received by the bank shall be so large as that the expense of the remittance shall exceed the benefit of the deposite, the sum which is to remain on deposite in the bank may be proportionably increased.

3. That the bank shall render to the Secretary of the Treasury, and to the Treasurer of the United States, duplicate monthly returns of its account with the Treasurer, and shall also render to the Secretary of the Treasury monthly returns of the state of its affairs; which latter returns shall be considered confidential.

In these latter returns must be noted the sums standing on the books of the bank to the credit of any public officer or agent. The bank shall also render to the Secretary of the Treasury, as soon as practicable, a list of its debtors, showing the amount due by each, and shall render a similar list quarter-yearly. This list will likewise be considered confidential, and will in no case be made public; it being intended for the use of the Secretary of the Treasury in determining on the propriety of continuing the arrangement with the bank.

It is understood that, if the money deposited in the bank to the credit of the Treasurer can be disbursed at the bank, the drafts of the Treasurer shall be paid at sight, notwithstanding such payments may reduce the deposite below the sum of seventy-five thousand dollars.

The board adjourned until three o'clock, P. M. on Thursday next.

A true extract from the minutes of the board of directors of this bank:

E. BOUDINOT, *Cashier*

STATE BANK OF INDIANA
Thursday, April 22, 1819
Am. Sta. Pa. Finance, III, 736

The board met, according to adjournment: Present, Nathaniel Ewing, *president*; Charles Smith, G. R. C. Sullivan, W. E. Breading, John McGiffin, George Ewing, Samuel T. Scott.

On motion,

Resolved, That the Bank of Vincennes, the State Bank of Indiana receive on deposite from the United States the following bank notes, viz:

Bank of Vincennes, and branch at Vevay; Bank of Missouri at St. Louis, Bank of Illinois at Shawneetown; Bank of Kentucky at Frankfort, and its branches at Louisville, Shelbyville, and Lexington; Commercial Bank of Louisville; Farmers and Mechanics' Bank at Lexington; Banks of the District of Columbia; Banks of the cities of New York, Philadelphia, and Baltimore; State Bank of Virginia and its branches; Farmers' Bank of Virginia at Richmond, and its branches; State Banks of North and South Carolina and branches; State Banks of Georgia; banks of the city of New Orleans; Bank of Natchez; Bank of the United States and branches.

On motion,

Resolved, That the cashier furnish the Secretary of the Treasury of the United States with a copy of the proceedings of the meeting of this board on the 20th instant, and also of this meeting.

The board adjourned.

A true extract from the minutes of the board of directors of this bank:

E. BOUDINOT, *Cashier*

BANK OF VINCENNES, THE STATE BANK OF INDIANA,
Thursday, April 29, 1819
Am. Sta. Pa. Finance, III, 737

The board met: Present, Nathaniel Ewing, *president*; Charles Smith, W. E. Breading, G. R. C. Sullivan, John McGiffin.

On motion,

Resolved, That the board reconsider the resolution entered

into on Thursday last, on the subject of the notes receivable, for public lands.

On motion,

Resolved, That all the branches of the State Bank of Kentucky, not heretofore ordered to be received, be added to the list of notes receivable in deposite for the United States, for public lands and other debts due the United States.

A true extract from the minutes of the board of directors of this institution:

E. BOUDINOT, *Cashier*

BANK OF VINCENNES, THE STATE BANK OF INDIANA,
May 6, 1819

Am. Sta. Pa. Finance, III, 737

SIR:

I have the honor of enclosing you the acceptance of this bank of the deposites of the public moneys of the United States, agreeably to conditions proposed by you, enclosed in your letter of the 12th of March, 1819; also, a list of the notes which the bank has agreed to receive on deposite. It is intended to extend the receipts to all banks whose notes are circulating in this state, which pay specie, and are in good credit, provided they will enter into arrangements to enable this bank to comply with its engagement with the Treasury Department, so far as it may depend, respectively, on them. This, it is hoped, they will do. A list of the debtors to this bank will be made out and forwarded shortly.

I am sir, respectfully, your obedient servant,

NATHL. EWING, *President*

The Hon. WM. H. CRAWFORD, *Secretary of the Treasury U. S.*

BANK OF VINCENNES,
April 5, 1821

Am. Sta. Pa. Finance, III, 738

SIR:

In consequence of some difficulties under which the operations of the Bank of Vincennes labor, and their relations as debtor to the Government of the United States in an amount of some magnitude, I do myself the honor of respectfully addressing you on the subject.

The causes of our suspending specie payments, and conse-

quent difficulties, a loss of credit, are such as have affected us in common with nearly the whole of the western banks. The sudden and almost extinction of trade; the depression of the whole agricultural interest; the too general and extensive loans, predicated on a continuance of days of prosperity are the germ out of which has grown the present situation of our affairs.

After having examined into the debits and credits of the bank, and the security of loans, there is no doubt of its solvency; its losses are but nominal, and few likely to occur; but to call in debts generally now, would be extremely ruinous in its consequences to a large portion of the people; it must be a gradual work, and a steady perseverance will accomplish it.

Endeavors were made to meet your drafts, without effect. A part had been sent on to the United States Branch Bank at Louisville, and placed to our credit for that purpose; but, as it was not the whole, it was not accepted. Since I was called to the presidency of this bank, which was in the early part of last month, I directed the cashier to draw on that bank for a part; but Mr. Cochran, its cashier thought proper to dishonor our bills, by saying "the Bank of Vincennes had no funds there;" and yet, in the account current with this bank acknowledges a balance of upwards of $30,000 to our credit. Why he should thus act is inexplicable to us, as we have never had any communication on the subject. If it has been in consequence of any directions from the Treasury we cannot complain, since we are its debtors; but, sir, if this be the case, we would beg for a little forbearance in our low condition, and ask for your interference in restoring it again to us. This would revive our languishing institution; specie payments would be resumed; confidence restored; our debts more easily and successfully collected; and we more speedily enabled to liquidate the claims of the United States.

Your friendly dispositions towards the West in times peculiarly difficult, and the interest you have evinced for the welfare of this remote section of our common country, lead to a hope that the hand which has hitherto befriended us will not be withdrawn.

Respectfully, &c.

DAVID BROWN, *President of the Bank of Vincennes*

The Hon. W. H. CRAWFORD, *Secretary of the Treasury U. S.*

VINCENNES, May 22, 1820

Am. Sta. Pa. Finance, III, 739

SIR:

Your communication of the 4th instant was received this day, and will be laid before the directors at their meeting on the 24th.

I stated to you, in my communication of the 5th April, that we might probably retrieve the character of the bank. Further investigations, however, have given me such views of the situation of affairs as to convince me of the fallacy of all hopes of placing the institution on a respectable footing again. I therefore advertised, the 12th instant, a general meeting of the stockholders, to take place the 13th June ensuing, to investigate the situation of the bank, and to take into consideration the expediency of winding up its business.

In relation to the pension business, I feel it my duty to state that no funds for the payment of pensioners have ever come into my hands. How your appropriations have been disposed of, I am unable to say.

It was an unfortunate day which brought me to preside over an already ruined institution. My character, to me, is more than all the world besides; and I have to regret the possibility of my reputation suffering for the sins of others. The evils which have been done were before the 7th of March last, (the period of my appointment.)

Very respectfully, yours, &c.

DAVID BROWN

The Hon. WILLIAM H. CRAWFORD

MADISON, June 14, 1820

Am. Sta. Pa. Finance, III, 739

SIR:

The representatives in congress from this state [Mr. Hendricks] have informed the officers of this institution that your Department was disposed to accommodate it with a deposite of the public money received at the Brookville land office, provided the bank could show a state of solvency sufficient to justify such a measure. The enclosed papers will show the state of its affairs at this time, and also the amount of its discounts, notes in circulation, and specie on hand, on the 16th day of November, 1818, after the suspension of specie pay-

ments in Ohio, and the temporary suspension in Kentucky—a circumstance which caused an excessive drawing of specie from the bank.

To show the view and policy of the institution, a copy of a resolution passed by the board of directors at that time is also annexed, and which has been strictly adhered to. This bank continued the payment of specie until its notes, with all western paper, were refused in payment of land; which circumstance caused a general depreciation of all western paper, whether it was redeemed in specie or not, and caused a double pressure on the bank. Under these circumstances it suspended payment, but continued, generally, to redeem its notes either in specie or such paper as would pay for land, when presented by those who had payments due within this district; and since January last its notes have been regularly redeemed, one-fourth in specie, and the balance in such paper as, by the custom of merchants, is called current paper of the country.

The funds of the bank, at this moment, are in such a situation that a specie payment might be resumed without risk or hazard; but, unless its notes were at the same time taken in payment for land within the state, that course would only be a means of entire accommodation to the brokers, and of no benefit to the honest laborer; for the expense of travelling to the bank to have a few dollars exchanged would be a very heavy discount on the paper, and, of course, would be sold at a discount and the profit made by those who follow that business.

This bank does not ask the aid of the Treasury to help it to pay its debts, (as has too often been the case,) but is perfectly able to pay its own contracts; the only object is, that it may be enabled to support a sound currency, without running into that fictitious and forced course of trade that has been the cause of the distresses of the West. A large standing deposite is not wanted; they would not ask a deposite above the capital paid in.

The accounts above spoken of relate entirely to the standing of this bank, unconnected with its office of discount and deposite at Lawrenceburg. However, to show more clearly the standing of the institution in all its concerns, is enclosed a separate statement of the affairs of that office. It is not expected that that office could at this time commence and sustain

a specie payment on its own funds, but, by a moderate collection of debts, in a short time could.

The statements and accounts are all substantially correct; and as the test by which the solvency of any institution must be tried is the character of its debts due, I would merely observe that they are generally well secured, as well here as at the office of discount and deposite; and there cannot be a doubt but it could close its business and pay to the stockholders the par value of their stock.

Will you, sir, do us the favor to answer this communication?

By order of the president and directors.

Very respectfully, your obedient servant,

JOHN SERING, *Cashier*

The Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury*

TREASURY DEPARTMENT, July 7, 1820

Am. Sta. Pa. Finance, III, 740

SIR:

From representations made to this Department by the Senators and Representatives of the State of Indiana, stating the solvency and discreet management of the Farmers and Mechanic's Bank of Indiana, at Madison, and that it was desirous of becoming the depository of a part of the public money collected in that State, I have been induced to submit the enclosed agreement [see following] to its consideration.

If it should be accepted without modification, the receiver at Brookville, upon receiving evidence of such acceptance, will deposite the public money received by him in the bank, at the end of each month.

Any reasonable modification of the arrangement, however, not affecting the leading objects of the Department, will not be refused upon the suggestions of the bank.

I am, &c.

WILLIAM H. CRAWFORD

To the President of the Farmers and Mechanic's Bank of Indiana, at Madison

Conditions Upon Which the Secretary of the Treasury Will Employ the Farmers and Mechanic's Bank of Indiana, at Madison, as a Depository of Public Moneys

Am. Sta. Pa. Finance, III, 740

1. That, in addition to specie and the bills of the Bank of the United States and its branches, the bank will receive from the receivers of public money the notes of such specie-paying banks as are in good credit, and whose notes are in general circulation in Indiana and the neighboring parts of Ohio, (a list of which must be furnished to the Secretary of the Treasury by the bank,) and will credit the same to the Treasurer of the United States as cash. The bank, may, however, discontinue to receive the notes of any of the banks included in such list; but in that case, it shall give immediate notice thereof to those receivers who usually deposite in it; and such notes as may have been taken by them before the notice shall nevertheless be credited by the bank as cash.

2. That, in consideration of the responsibility to which the bank may be subjected in transferring the public moneys received by it, in manner hereinafter prescribed, it shall be entitled to retain the sum of $40,000 as a permanent deposite, during the continuance of this arrangement.

3. That, whenever the public moneys in the possession of the bank shall exceed, by $10,000 the amount of the said permanent deposite, the bank shall promptly transfer and pay such excess to the Bank of the United States, or one of its branches, to the credit of the Treasurer of the United States, giving immediate notice thereof to the Secretary of the Treasury. And it shall also transfer, in like manner, within six months after the termination of this arrangement, the beforementioned deposite of $40,000.

4. That the bank shall render to the Secretary of the Treasury of the United States, monthly returns of its account with the Treasurer; and shall also render to the Secretary of the Treasury monthly returns of the state of its affairs, which will be considered as confidential. In these latter returns must be noted the sums standing to the credit of any public officer or agent on the books of the bank. The bank shall also render to the Secretary of the Treasury, as soon as practicable, and quarterly thereafter a list of its debtors, showing the amount due by each. This list will likewise be considered as confi-

dential, and will in no case be made public; it being intended for the use of the Secretary of the Treasury in determining on the propriety of continuing or discontinuing the arrangement with the bank.

5. The Secretary of the Treasury reserves to himself the right of termination this arrangement whenever he may deem it proper; but it shall also terminate whenever the bank shall discontinue to pay specie for its notes on demand.

TREASURY DEPARTMENT, July 7, 1820

Am. Sta. Pa. Finance, III, 737

SIR:

On the 12th of March, 1819, a proposition was made by this Department to, and accepted by, the Bank of Vincennes, by which among other things, the bank engaged to transfer, from time to time, to the Bank of the United States, or its branches at New York, Baltimore, Washington, or New Orleans, in such moneys as would be received as cash, the excess of public money remaining on deposite after such drafts were paid, as should be drawn upon it over and above the sum of seventy-five thousand dollars.

This engagement did not require any previous notice from this Department of the sum, the time, or the place to which the transfer was to be made. The bank always knew when the obligation to transfer was incurred, and had the option of the place, and the mode to and by which it was to be effected.

As it had, however, neglected to make any transfer, sixty days notice was given previous to the issue of the following drafts upon it, viz:

1st. October 19, 1819, for $40,000
2d. November 18, 1819, for $20,000
3d. December 28, 1819, for $55,000

The former sum was paid after much delay, and the remainder are yet unsatisfied.

On the 10th of March, 1820, another draft was drawn for $50,000 and this sum also remains unpaid.

It is proper to observe, that all transactions with banks are, on their part, required to be conducted with the strictest punctuality; it is no less indispensable in all Treasury transactions. In the cases which I have enumerated, there has been a total

disregard of that punctuality which the bank would doubtless exact of others under similar circumstances.

From a deliberate view of the whole subject, I should not only be justified in declaring that the connexion between the Treasury and the bank no longer exists, but in proceeding with the utmost rigor in relation to the sums which have been withheld by it. From a desire, however, to avoid everything of an unpleasant nature in my intercourse with the bank, I propose, as the condition upon which the connexion shall continue, that the whole amount of the public money now in the hands of the bank, above the deposite stipulated in the arrangement, shall, within forty days from this date, be deposited in the Bank of the United States, or one of its branches, and the certificate of deposite forwarded to this office; and that, whenever the public money in the possession of the bank shall exceed the permanent deposite by ten thousand dollars, it shall be promptly deposited in like manner to the credit of the Treasurer, who, in all such cases, will forward a draft upon the Bank of Vincennes for the amount so transferred.

If this condition is not strictly complied with, you will consider the arrangement between the bank and the Treasury terminated, and proceed to the fulfilment of the last condition of that arrangement viz: the repayment of the permanent deposite stipulated by the arrangement.

In the mean time the receiver of public moneys will be instructed to decline the receipt of the bills of the Bank of Vincennes, and to discontinue his deposites in that institution, until the preliminary condition here presented shall be complied with. He will also be instructed to renew the receipt of those notes, and to recommence his deposites whenever satisfactory evidence of that fact shall be offered.

I am &c.

WILLIAM H. CRAWFORD

TREASURY DEPARTMENT, July 12, 1820

Am. Sta. Pa. Finance, III, 740

SIR:

Before the receipt of your letter of the 14th ultimo, I had addressed to you a proposition for making the Farmers and Mechanic's Bank of Indiana, at Madison, a depository of the public moneys received at Brookville. I was not then aware

that the bank had not returned to specie payments; but, as I learn from you that the fact is so, it becomes necessary for me to state, explicitly, that the proposed arrangement cannot take effect unless the bank shall previously and bona fide have resumed the payment of its notes, on demand in specie. From the statement which you have given of the affairs of the bank, it is evident that the utmost prudence and good management on the part of the directors will be necessary to enable it to continue specie payments after it shall have recommenced them; and, without doubting the discreetness of their intentions, I suggest this caution, that they may not be led into an erroneous policy by the hope of the aid to be derived from the public deposites. To be entitled to the confidence of the Treasury, a bank should look only to its own intrinsic resources for the means of sustaining its engagements.

I am, &c.

W. H. CRAWFORD

JOHN SERING, Esq. *Cashier of the Farmers and Mechanics Bank of Indiana*

TO THE PRESIDENTS OF THE SEVERAL BANKS IN WHICH THE PUBLIC MONEY IS DEPOSITED IN OHIO, INDIANA, ILLINOIS AND MISSOURI

TREASURY DEPARTMENT, August 1, 1820

Am. Sta. Pa. Finance, III, 728

SIR:

I annex a copy of an instruction issued to the receivers of public moneys, designating the funds [locally called bank money] in which payments may be made for the public lands. By the arrangement now existing between the Treasury and the banks in which those officers make their deposites, nearly the same funds, with occasional variations, are already receivable as cash. It is desirable, however, for many reasons, that the practice of all the land offices should be uniform. I propose, therefore, that the existing arrangement be so modified as to conform to the annexed instruction; and I request that you will, as early as practicable communicate to me the assent of the bank,

I am, sir, your obedient servant,

WM. H. CRAWFORD

To NATHANIEL EWING, *President of the bank of Indiana*

To the Several Receivers of Public Money in Ohio, Indiana, Illinois, Missouri, and Michigan

Treasury Department, August 1, 1820

Sir:

With a view to increase and to equalize the facilities of making payment for public lands in the several land districts of the United States, I have determined to authorize the receivers of public moneys to take, in addition to specie and bills of the Bank of the United States and its branches, the notes of the following incorporated banks, *viz:*

Those in the cities of Boston, New York, Philadelphia, Baltimore, and Richmond, and in the District of Columbia; (except the City Bank of Baltimore, and the Merchant's and Franklin Banks of Alexandria.)

All those specie-paying banks in the state in which the land office is situated.

This instruction supersedes those that have heretofore been given on the subject, except in so far as they prohibit the receipt of the paper of any bank which does not discharge its notes, on demand in specie; and that prohibition must, in every case, be rigidly adhered to.

In order to facilitate the collection of the notes of the banks in your State which may be received by you, you will, on making a deposite, give notice to each of those banks of the amount of its notes contained in such deposite; and if you shall be informed by the cashier of the bank in which you make your deposites that the notes of any bank in your state, which may have been deposited by you, have not been paid on demand, you will discontinue to receive the notes of such bank. It may be proper for you to take the first occasion to intimate, in respectful terms, to each of those banks, the consequence that will result from a want of punctuality in paying its notes on presentation.

For the information of the puchasers of public Lands, you will publish in one of the newspapers in your district a list of the kinds of money receivable at your office; and you will give notice, in like manner, of any change which may occasionally take place.

I am, sir, your obedient servant.

Wm. H. Crawford

FARMERS AND MECHANICS' BANK OF INDIANA

MADISON, August 2, 1820

Am. Sta. Pa. Finance, III, 740

SIR:

I have the honor to acknowledge the receipt of your favor of the 7th July, enclosing propositions from the Treasury for the receipt of the public deposites. Your letter of the 12th July, acknowledging the receipt of mine on the 14th June, has also been received. The president of the bank is at this time absent. I would, however, state that this bank never had the most distant idea of a public deposit or for its notes to be taken in payment for land, upon any other condition than that of a general and unreserved specie payment.

It was not believed, at the time of the suspension, in the fall of 1818, that so long a time would have elapsed without a resumption; but, finding the embarrassment of the old institution so great, and that a general resumption could not be expected from them, this bank determined, in January last, to resume gradually, by first paying a certain proportion of specie, and, by a gradual increase, bring the notes to specie value, without the excessive running that would be the consequence of an entire resumption at once. This was the course marked out, and one that would have been pursued had no propositions been made by the Treasury; but a full and entire resumption will be made before the bank will consider itself entitled to a deposite of the public money, or the notes taken in payment for land. It is well understood that the greatest caution and prudent management is necessary in returning to specie payments, in such an embarrassed situation of things.

As soon as the president returns, the propositions will be laid before the board. I would only add, that the bank does not expect the aid of the public money to enable it to fulfill its engagements.

I am, very respectfully, sir, your obedient servant,

JOHN SERING, *Cashier*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury*

FARMERS AND MECHANIC'S BANK OF INDIANA

MADISON, August 24, 1820

Am. Sta. Pa. Finance, III, 741

SIR:

Your letter of the 1st instant has been received; and I am instructed to state that the bank will agree to the request of the Treasury in receiving the notes of the banks named therein. This is agreed to, under the impression that the Treasury Department is satisfied as to the solvency of those institutions.

I am, very respectfully, &c;

JOHN SERING, *Cashier*

The Hon. WM. H. CRAWFORD

TREASURY DEPARTMENT, May 4, 1821

Am. Sta. Pa. Finance, III, 738

SIR:

Your letter of the 5th ultimo has been received by due course of mail. In replying to the several suggestions presented in that letter it may be proper to recall your attention to the time and circumstances attending the connexion between the Treasury and the Bank of Vincennes.

The first deposite made in the bank was in the month of April, 1819, and the last in June, 1820. During that period $295,325.77 were deposited, and $77,062.87 paid by the bank; leaving in its hands $212,262.90, which was more than $140,000 beyond the sum that, according to the arrangement made with the bank, ought to have remained in its possession. Time was given for the execution of the engagements of the bank, and forbearance was carried to an extremity before the final resolution was taken to terminate the connexion with the bank, unless, within a given period, those engagements were fulfilled. The result proved the necessity of that resolution. Instead of meeting, after such a delay, and within the time limited, the requisition of the Department, which ought to have been complied with more than six months before, and without requisition, this measure founded in indispensable duty to the nation, was made the pretext for not performing what ought to have been done long before. Not satisfied with this breach of its engagement, the bank, with more than $218,000 of the public money in its possession, caused a draft

of the Treasurer for the paltry sum of $300 to be protested, and thrown back upon that officer dishonored, as far as the acts of an institution which had dishonored itself could stamp dishonor on such an instrument. According to the arrangement made with the bank, not only the amount in its possession above the permanent deposite, but that deposite, was to be repaid within six months after the termination of the arrangment by either party. That time had expired before the date of your letter of the 5th ultimo. Not only has no communication been made by the bank advising of the time and place when the sum now in the hands of the bank will be discharged, or explaining the reasons why this is impracticable, and offering some other mode of payment which shall, in substance, indemnify the Treasury for the breach of that engagement, but the Treasury is now informed that partial payments made upon drafts issued by the Treasurer upon the bank have been attempted to be withdrawn from the object for which they were made. Before the receipt of your letter of the 5th ultimo information was received from the branch of the United States Bank at Louisville, and at this place, of the sums deposited by the Bank of Vincennes in those offices, and its attempt to withdraw them; and instructions from this Department were requested for the government of their conduct. The instructions have been given, and confirm the decision which had been made by them, respectively, of which you complain.

To comply with the request of the bank, and restore these sums, (which never, in fact, belonged to the bank,) would be a dereliction of duty for which I should not fail to be called to a severe account. I acknowledge that the request has occasioned rather more surprise than all the acts of omission and commission of the bank against its solemn and precise engagements from the commencement of the arrangement to the present time. Notwithstanding this surprise, I am gratified with the communication, because it furnishes some ground to expect that the money now in the hands of the bank will be repaid, and because it breaks that silence which, from the termination of the arrangement, prevailed on the part of its directors, that seemed to be the result of a systematic determination to elude that payment. I was, however, unwilling to adopt such an opinion, believing it highly improbable that gentlemen, who had sufficient claim to the confidence of

their fellow-citizens to be placed in so responsible a situation, should so far lose sight of the principles of rectitude and of self-respect as to meditate a fraud of so gross a character as that of appropriating to their own use, or that of the corporation a sum of money so sacredly confided to their care. Under this impression, I have not taken any measure to coerce the repayment of the sum now in the hands of the bank. Considering this letter as the confirmation of this favorable opinion, I have the honor to invite your attention to the terms of the engagement made by the bank, and to request an early communication of the view of the directors of the time and manner in which it will be practicable for it to comply with that engagement. The subject is one of great urgency and of some delicacy. The state of the public treasury strongly admonishes me of the necessity of rendering available every dollar which has been collected from the people especially as the imposition of additional taxes may be the result of any failure in the accomplishment of this object.

I forbear any comment upon the transactions of the bank which may have contributed to produce the events which have been reviewed in this letter. They are past, and cannot be recalled. The object which I hope will now command the attention of its directors, is the repayment of the sum confided to their safe keeping, with the least possible delay. This repayment is no less essential to the character of the bank than to the interest of the public treasury.

I remain, &c.

WILLIAM H. CRAWFORD

DAVID BROWN, Esq., *President of the Bank of Vincennes, Indiana*

SPECIAL MESSAGE: STATE BONDS

November 21, 1821

House Journal, 1821, 25-26

THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIR,

Enclosed, I present to the House of Representatives, copies of three bonds, executed on negotiating the first loan of twenty thousand dollars.

The after loans authorised were negotiated on like obligations. [Copy of bonds not given]

I have the honor to be,

Respectfully, &c.

JONATHAN JENNINGS

SPECIAL MESSAGE: THREE PER CENT FUND

CORYDON, November 23, 1821

House Journal, 1821, p. 50

THE HONORABLE THE SENATE AND HOUSE OF RPRESENTATIVES:

Herewith is presented, for the information of the General Assembly, copies of a letter from the commissioner of the General Land office, in reply to one addressed to him, on the subject of the three per cent.[1] fund accruing to the state. [The letter follows]

Respectfully, &c.

JONATHAN JENNINGS

GENERAL LAND OFFICE,

6th September, 1821

His Excellency, JONATHAN JENNINGS, Governor of the state of Indiana

SIR—Agreeably to request, a statement of the amount of monies payable to the state of Indiana on account of the three per cent fund is in preparation, and will be transmitted as soon as practicable. The discrimination of monies received for lands sold in Indiana, which are situate in Illinois, upon the lands situate in Indiana, is a work which will unavoidably create delay, as the land office returns have blended these items.

I have the honor to be, Sir, with great respect,

Your ob't serv't,

JOSIAH MEIGS

1. The three per cent fund was a gift to the state by the general government of three per cent of the purchase price of lands sold in the state. It was to be used by the state to build roads in the state.

SPECIAL MESSAGE: THE UNITED STATES BANK

November 23, 1821

House Journal, 1821, p. 57

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

In compliance with the request of the executive and legislative authority of the state of Ohio, I herewith present for the consideration of the General Assembly copies of a report of the joint committee of both houses of the General Assembly of that state, on the proceedings of the bank of the United States against the officers of state. This document involves principles of vital importance to the perpetuity of the federal government, and to the rights of the state sovereignties. It affords commanding evidence of the intelligence of the legislative body from which it emanated, and will be appreciated while state rights shall be considered important to the freedom of the citizen.

The opinion of the General Assembly is respectfully requested on the part of the General Assembly of the State of Ohio.[1]

JONATHAN JENNINGS

SPECIAL MESSAGE: RESOLUTIONS FAVORING LAND GRANTS FOR EDUCATION[2]

CORYDON, Nov. 24, 1821

House Journal, 1821, p. 65

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I herewith submit to the House of Representatives a report and sundry resolution on the subject of appropriating a portion of the public lands for the purposes of education, transmitted by the governor of the state of Maryland, together with a letter on the subject.

Respectfully,

JONATHAN JENNINGS

1. Ohio was then in a struggle with the Columbus branch of the United States bank. The Assembly seems to have expressed no opinion on the matter.

2. The letter from the Maryland governor is here omitted. The attitude of the Indiana Assembly is shown by the committee report appended hereto. New Hampshire, Rhode Island, Connecticut, New Jersey, Kentucky, Delaware and Vermont passed resolutions similar to those of Maryland. These were successfully opposed in Congress by Senator Ninian Edwards of Illinois.

INCLOSURE 1

Annals of 16th Cong., 2d Sess., 1821

. . . For the purpose, therefore, of drawing the attention of the national legislature to this important subject, and of obtaining the coöperation of the other states, your committee beg leave to recommend the adoption of the following resolutions:

Resolved by the General Assembly of Maryland, That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

Resolved, That the States in whose favor Congress have not made appropriations of land for the purposes of education are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other States.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing report and resolutions to each of our Senators and Representatives in Congress, with a request that they will lay the same before their respective Houses, and use their endeavors to procure the passage of an act to carry into effect the just principles therein set forth.

Resolved, That his Excellency the Governor be also requested to transmit copies of the said report and resolutions to the Governors of the several States of the Union, with a request that they will communicate the same to the Legislatures thereof, respectively, and solicit their coöperation.

All of which is respectfully submitted.

V. MAXCY, *Chairman*

January 30, 1821.

ENCLOSURE 2

REPORT OF COMMITTEE OF HOUSE OF REPRESENTATIVES

December 29, 1821

House Journal, 1821, 321-324

MR. SPEAKER:

The committee to whom were referred the "Report and sundry resolutions relative to the appropriations of public land for the purposes of education, to the Senate of Maryland," beg leave to report, that they have examined the same with that attention which both the respectable source from which

they emanated, as well as their importance to this state and to the union, seemed to demand. The result of their deliberations has been a most clear conviction, that the claim advanced in said report, "that the states in whose favor Congress have not made appropriations of land, for the purposes of education, are entitled to such appropriations as will correspond in a just proportion with those heretofore made in favor of other states," is unfounded. So far as your committee can understand the reasoning upon which the state of Maryland advances its claim, it appears to be this: That inasmuch as the public lands are the common property of the union, all the states, as well those without the limits of the territory in which these lands are situated as those within, are entitled to an equal share of any grants which may be made of them, for state purposes.

Without enquiring whether this position be correct, your committee cannot conceive it has any application to the appropriations heretofore made to the several states for the purposes of education. These grants cannot be considered in the nature of free gifts, for which no equivalent is paid; so far from it, they seem to have been in the nature of a purchase, perhaps a price too dear has been given.

By a reference to the acts of Congress relative to the sale of public lands, it appears to have been an invariable feature in them that No. 16 in each township should be reserved for school purposes. The ordinance of Congress of 1785[?], had this provision. This provision, no doubt, was designed as an inducement to citizens to settle these lands. As the object of it was to encourage emigration, and thereby enhance the value of these public domains, it may be considered as an appropriation for national rather than state purposes.

Your committee do not deem it necessary to refer to the great sacrifices which settlers of this country have made. They abandoned the conveniences, luxuries, and pleasures of their native homes, and endured the privations and sufferings always connected with such enterprises. In addition to these, many of them lost their lives in defending this territory against the attacks of a savage foe; the consequence of which has been, that this land, then a wilderness and but of little value, now constitutes no small portion of the national wealth. Although it would appear to your committee that these last considerations alone would be sufficient to convince those not

envious of our prosperity that for what has been given a sufficient compensation has been made, they have no need of making suggestions of this kind because, by an examination of the laws of Congress for the admission of the states as members of the union to whom these reservations were made, it will conclusively appear that, in consideration of them, the several states gave up privileges fully equal to their value. It is believed that the terms upon which this state was admitted does not materially differ from those upon which others, included within the territories of the United States, were admitted, as to the amount of land ceded and the equivalent paid for the same. It will be sufficient, therefore, to refer to the "act to enable the people of the Indiana Territory to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," approved April 19, 1816. By this it is seen that five propositions were submitted to the Convention of this state, in which were included the several reservations of land. The section containing these propositions concludes in the following words:

"And provided always, that the five foregoing propositions herein offered are on the conditions that the Convention of the said state shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States after the first day of December next, shall be and remain exempt from any tax laid by order or under any authority of the State, whether for state, county, township, or any other purpose whatever, for the term of five years from and after the day of sale."

These propositions were accepted by said Convention, and the ordinance required passed. After having quoted the above from the said act of Congress, and referred to the ordinance of the Convention of this state, your committee do not deem it necessary to add any more arguments in support of their position. If the lands ceded were not fairly purchased by the agreement to give up the right of taxation on the lands sold by the United States, words have no meaning.

Your committee beg leave to recommend the following resolutions:

Resolved, by the General Assembly of the state of Indiana, That the appropriations of lands for the purposes of education, which Congress has made to the several states, were by

said states obtained by purchase, for which an equivalent has been paid.

Resolved, That the states in whose favor Congress have not made appropriations for the purposes of education, are not entitled to them in consequence of appropriations having been made to other states for those purposes.

Resolved, That a copy hereof be signed by the President of the Senate and the Speaker of the House of Representatives, and delivered to his Excellency the Governor, to be by him forwarded to his Excellency the Governor of the state of Maryland, and that the Senate be informed thereof and their concurrence requested.

CHARLES I. BATTELL, *Chairman of Committee*

SPECIAL MESSAGE: STATE BANK

November 26, 1821

Senate Journal, 1821, pp. 54-57

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Herewith is submitted to the General Assembly copies of certificates of deposits made in the Bank of Vincennes and its branch in this place, together with a statement of the accounts in those banks as they stand at present.

The propriety of using those deposits in discharging the public debt is presented to the consideration of the legislature.

JONATHAN JENNINGS

INCLOSURE 1

BANK OF VINCENNES, THE STATE BANK OF INDIANA,
May 5, 1821

This is to certify that the Governor of the State of Indiana has this day deposited in this institution five thousand dollars, which sum remains subject to his order on the return of this certificate.

E.[LIAS] BOUDINOTT, *Cashier*

The Bank of Vincennes Dr. to the State of Indiana.. $5,000
Cr. By a draft in favor of the Jeffersonville
Ohio Canal Company.....$2,000

Ditto, By a draft on the Bank of Columbus, for which a certificate of deposit has been recorded promising payment in notes of the Vincennes Bank	1,200	
		3,200
Leaving in the Bank		$1,800
Corydon Branch Bank, Dr. to the State of Indiana...		$2,000

ENCLOSURE 2

CORYDON BRANCH BANK
May 11, 1820

$2,000

Deposited to the credit of the Governor of the State of Indiana, by his Excellency Jonathan Jennings, two thousand dollars, in notes of the Bank of Vincennes the State Bank of Indiana; payable in kind, to said Governor's order, on return of this certificate.

THOS. POSEY, *Cashier*

SPECIAL MESSAGE: POSTAGE

November 27, 1821
House Journal, 1821, p. 78

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Herewith is presented to the General Assembly copies of a letter [not found] addressed to the secretary of state, and his reply thereto, on the subject of public postage, from which it will be apparent that some provision is necessary, to prevent delays, and consequent dissatisfactions, in the execution of commissions of a civil character.[1]

Respectfully,

JONATHAN JENNINGS

1. Among the specific appropriations for the next year was one for $100 for postage to be distributed, $35 to the governor, $35 to the secretary of state, $15 each to the auditor and treasurer.—*Laws of Indiana, 1821, p. 82.*

SPECIAL MESSAGE: FUGITIVES FROM JUSTICE

November 27, 1821

House Journal, 1821, pp. 78-79

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit for the information of the General Assembly copies of a letter received from the secretary of state of the United States, on the subject of the late demand, made upon the executive of Kentucky, for certain fugitives from the justice of this state. [See Jan. 17, 1820, Jan. 21, 1820 and Dec. 4, 1820 above]

This document might have been communicated at an earlier period, but for the hopes that at a suitable time the subject might have engaged the attention of the chief magistrate of the United States, and a decision thereon communicated.

Should it be the opinion of the General Assembly however that further measures, within the purview of the constitution of the United States, should be adopted, in relation to this subject, any duties which may be required of the executive of this state, will be promptly discharged.

Respectfully,

JONATHAN JENNINGS

INCLOSURE 1

DEPARTMENT OF STATE,

WASHINGTON, 21st July, 1821

His Excellency JONATHAN JENNINGS, *Governor of the state of Indiana:*

SIR—

I had the honor, on the 19th of May last, of receiving yours of the 10th of March, enclosing copies of a correspondence between your Excellency and the Governor of Kentucky in relation to a demand made for certain persons fugitives from the justice of the state of Indiana, and of the indictments upon which those citizens of Kentucky were demanded.

These papers, together with your letter, were, conformably to your request, immediately laid before the President of the United States, for his consideration.

I am with great respect, Sir,

Your humble and obedient servant,

JOHN QUINCY ADAMS

SPECIAL MESSAGE: HOSPITAL AT NEW ORLEANS[1]

November 29, 1821

House Journal, 1821, pp. 92-93

TO THE HOUSE OF REPRESENTATIVES:

I communicate to the House, as the legitimate power directing appropriations of money, the report of a committee of the Louisiana legislature, and a letter from the governor of that state, on the propriety of aiding the establishment of an hospital at the city of New Orleans.

The views of the government of Louisiana are enlightened and humane, and altho' our financial concerns do not for the present authorise an appropriation, yet the documents are entitled to respectful attention.

Respectfully,

JONATHAN JENNINGS

RESOLUTION OF THE HOUSE

January 1, 1822

House Journal, 1821, 370

Resolved by the House of Representatives of the state of Indiana, That the House coincides in opinion with the legislature of the state of Louisiana in regard to the importance of the commerce of the Mississippi, to all the states and territories bordering upon that river and its tributary streams; that we view with approbation every effort for its protection and permanent security; and contemplate with grateful satisfaction the measures, which with objects so desirable combine the considerations of benevolence and humanity. This House is fully sensible of the liberal and humane views of the legislature of Louisiana in the erection of hospitals at certain points on the Mississippi, and readily recognize the claim of that body upon the legislature of this state for assistance in the accomplishment of purposes so beneficial to our citizens. But we regret that the present state of our finances places it entirely out of our power effectually to so coöperate in meas-

1. Many Indiana flatboatmen had need of hospital services while in New Orleans. Not only were cholera and yellow fever common on the lower river, but the change of climate and drinking muddy river water often brought on dysentery. A resolution of the house of representatives follows in answer to the communication from the Louisiana legislature.

ures which have our best wishes; and we indulge the hope that at no distant period a future legislature of this state will be enabled to lend to Louisiana that assistance which it is not in the power of the present to afford.

Resolved, That his excellency the governor be requested to communicate the following [*foregoing*] resolution to the Executive of the state of Louisiana.

CHARLES DEWEY, *Chm.*

SPECIAL MESSAGE: JEFFERSONVILLE PRISON

December 6, 1821

Senate Journal, 1821, p. 113

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I submit for the consideration of the General Assembly copies of the representation [not found] of the board of managers of the Jeffersonville prison.

JONATHAN JENNINGS

REFORT OF SENATE COMMITTEE

December 10, 1821

Senate Journal, 1821, 140

Mr. Clark from the committee of ways and means, to whom was referred the report of Stephen Ranny, president of the board of managers of the state prison, and communicated to the senate by his excellency the governor, now report that the committee are under the impression that, on examining the said communication, and also the act authorising the building of said prison, the managers have full and ample powers granted them to provide for the maintenance and employment of convicts committed to said prison; and that the committee are of opinion that it would not be advisable to make a further sufficient appropriation to create good and sufficient walls around said prison, if in the opinion of the legislature the situation of our financial concerns will admit of the same.

MARSTON G. CLARK, *Chm.*

Special Message: State Bank Affairs

December 6, 1821

House Journal, 1821, pp. 157-159

To the Senate and House of Representatives:

If the bonds executed to the Vincennes Bank shall have been assigned for the use of the treasury of the United States, the offer of payment which has been required to be made will not, it is presumed, be accepted, on account of the funds with which the tender will be made, although in the notes of the bank and her branches. Should such a circumstance take place, I have deemed it my duty respectfully to submit to the General Assembly the propriety of making demand of payment at the branch banks or agencies where those notes are respectively made payable, and upon payment being refused, to present them again at the principal Bank, with a view to render the claim on the part of the state to a set off as strong and unexceptionable as it is in her power to render it.

If such course be adopted it is believed that the situation of the state, in relation to any supposed assignment of those bonds, will be left on doubtful grounds, while if it be pursued, the state will occupy the strongest ground attainable, by having done everything necessary and avoiding the possibility of subjecting the state to a charge of neglect on her part.

This position is not inconsistent with a pacific and respectful deportment towards the general government, while if the case shall hereafter become a subject matter of negociation, it will be left unshackled with preliminary disquisitions, and stand as it should do, upon the law and equity which may arise out of the transaction itself. It will in such case only be necessary for the state to shew what has been done on her part, instead of being subjected, by adopting a different course, to the uncertainty of proving what the principal bank and its branches shall or may have done.

In a case of so much importance, prudential measures are calculated to shield the state from responsibility that may otherwise accrue, while the additional expenditure which would be requisite will be only nominal in its amount. [Resolution follows]

Respectfully,

Jonathan Jennings

Enclosure 1

Joint Resolution Concerning the Public Debt

Laws of Indiana, 1821, 171

Resolved by the General Assembly of the state of Indiana, That the state treasurer by himself in person or some suitable agent, be, and he is hereby instructed forthwith, to make demand of payment on all notes in the treasury, issued by the Bank of Vincennes adopted as the State bank of Indiana, made payable at either of its branches; which demand shall be made in the presence of two or more respectable witnesses, who, should payment be refused, shall certify in writing under their hands that such demand was made on a day certain, to be named in such certificate, at the bank or usual place where such bank has been in the habit of doing business, and during the regular banking hours, and payment refused, or that no person could be found to make the demand of, who was authorised as cashier, agent or officer to transact business for such bank.

Resolved further, That, in case the said several banks shall refuse or neglect to pay the amount of their several notes so as aforesaid demanded, it shall be the duty of the said Treasurer immediately thereafter to proceed to the mother Bank of Indiana at Vincennes, and tender in payment of the debt due by the state to said bank, by several bonds, the notes so protested.

This resolution to take effect and be in force from and after its passage.

Samuel Milroy,
Speaker of the House of Representatives
Ratliff Boone,
President of the Senate

Approved December 22, 1821.

Jonathan Jennings

ENCLOSURE 2

REPORT OF STATE TREASURER

TREASURY DEPARTMENT,
CORYDON, December 12, 1821

The treasurer in obedience to an act of the General Assembly approved the first day of this instant, submits the following report:

That upon the eighth day of this month, he did within the banking house of the Bank of Vincennes, adopted as the state bank of Indiana, and within the usual banking hours in the presence of the cashier thereof, count down the amount of the **first bond** (being ten thousand dollars) which had been executed for the loan due from the state to that institution, composed partly of the notes of the said bank, and the residue of notes upon her branches, all of which he the said cashier peremptorily refused to receive, having remarked that he could do nothing towards the adjustment of this business, as this bond together with all the other bonds for loans made to the state by the institution had never been in his possession, and which he had been informed were assigned over in discharge of a debt due to the general government, previous to his coming into the office. I am inclined to believe that those assignments have been made without regard to a small credit to [which] the state is entitled. A copy of the evidence of which is herewith transmitted.

All of which is respectfully submitted.[1]

D. C. LANE, *Treasurer*

ENCLOSURE 2

TREASURY DEPARTMENT, CORYDON, Jan. 2, 1822

House Journal, 1821, p. 392

The treasurer of state in obedience to a joint resolution of both houses of the General Assembly, approved December the [Dec. 22] 1821, [see Dec. 6, 1821 above] requiring the demand

1. There is some confusion in the dates of these documents but those given are taken directly from the records. December 31, 1821, the General Assembly by act directed the governor to institute a *quo warranto* suit in the Knox circuit court. This promptly closed the bank. The judgment in this case, which absolved the Vincennes directors from liability, is most curious. No doubt the formal demand called for was made as shown by the treasury statement January 2, 1822. The Vincennes bankers, though they had abstracted all the cash from the bank under the guise of dividends, and though many of them were wealthy, were absolved from all liability.

of payment of all notes in the treasury, issued by the bank of Vincennes adopted the state bank of Indiana, submits the following report:

That he did upon the 20th day of December, 1821 demand of the agent authorised to manage the concerns of the branch bank located at Vevay, payment of the notes on said branch, amounting to the sum of $7,081.00. That he did in like manner, upon the 22d day of said month, demand of the like agent authorised to manage the concerns of the Brookville branch bank, payment of the notes upon said branch, amounting to the sum of $12,216.00. That on the 27th of said month he did demand of the cashier of the Corydon branch bank, payment for the notes on said branch, amounting to the sum of $448.00 and that he did upon the 29th day of said month tender to the cashier of the bank of Vincennes, adopted as the state bank of Indiana, the above recited sums, together with the sum of 1,455.00 dolls. notes on the said bank, amounting in all to the sum of $21,200.00 which the said cashier refused to receive, alleging that the state of Indiana was not indebted to that banking institution. All which by a reference to the copies of the certificates, marked from letter A to D will more fully appear.

Respectfully submitted,

D. C. LANE, *Treasurer*

COPY A

VEVAY, December 20, 1821

The undersigned do hereby certify, that Daniel C. Lane, Esquire, *treasurer of the state of Indiana*, did on this day, within the usual banking hours, for and on behalf of the state of Indiana, present to S. Wheeler and Thomas Armstrong, agents of the president and directors of the Vincennes bank, adopted the state bank of Indiana, at their office in Vevay, divers bills or notes issued by the said Vincennes bank, and made payable at their branch or office of discount and deposit heretofore located at Vevay, in the whole, amounting to seven thousand and eighty one dollars; and did then and there demand payment of the said bills from the said agents, they having the custody and control of the concerns and funds of said branch now discontinued, which payment was by said agents refused, they

giving as a reason for said refusal, that there were no funds deposited with them or placed under their control, by the said president and directors of the Vincennes bank, wherewith they might or could pay or discharge the said notes or any part of the said notes.

Given under our hands the day and year above written.

R. W. NELSON
ABNER CLARKSON

COPY B

BROOKVILLE, Dec. 22, 1821

The undersigned do hereby certify, that Daniel C. Lane, Esquire, *treasurer of the state of Indiana*, did on this day, within the usual banking hours, for and on behalf of the state of Indiana, present to Robert Hanna, one of the agents of the president and directors of the Vincennes bank, adopted the state bank of Indiana, at their office in Brookville, divers notes or bills issued by the said bank and made payable at their branch or office of discount and deposit heretofore located at Brookville, in the whole, amounting to twelve thousand two hundred and sixteen dollars, and did then and there demand payment of the said bills from the said agent, he having the custody and control of the concerns and funds of said branch, now discontinued, which payment was by said agent refused, he giving as a reason for such refusal, that there were no funds deposited with him or placed under his control by the president and directors of the said Vincennes bank, wherewith he might or could pay or discharge the said notes or any part thereof.

Given under our hands the day and year above written.

R. W. NELSON,
A. P. ANDREWS, JR.

2. Reuben Nelson was active during the first decade of the state government. He was opposed to Jennings and Hendricks and though often a candidate seems never to have been successful. He was a lawyer by profession though he edited at least three different newspapers. He practiced in all the river counties. For a time he was connected with the land office at Jeffersonville. At this time he lived in Corydon though later he lived in Jeffersonville and New Albany. In his house at Corydon, 1817, the Indiana Grand Lodge of Masons was organized. He was thrown from his horse and killed while on law business in Posey county July, 1828. He was editor of the New Albany *Cresset* at the time.

COPY C

CORYDON, Dec. 27th, 1821

The undersigned do hereby certify, that Daniel C. Lane, Esquire, *treasurer of the state of Indiana,* did on this day, within the usual banking hours, for and on behalf of the state of Indiana, present at the branch of the Vincennes bank, adopted as the state bank of Indiana, located at Corydon, and usually called the Corydon Branch, to Thomas Posey, Esq. *cashier of said Branch,* and having the custody of the funds thereof, divers notes or bills issued by said bank, and made payable at said branch, in the whole, amounting to four hundred and forty eight dollars; and did then and there demand payment of the said notes or bills from the said cashier, which was then and there, by the said cashier, refused to be made, except in bills drawn on sundry persons to more than the amount said bills being protested.

Given under our hands this 27th December, 1821.

R. W. NELSON
FRANCIS N. MOORE

COPY D

VINCENNES, December 29, 1821

The undersigned do hereby certify, that Daniel C. Lane, Esq. *treasurer of the State of Indiana,* did on this day, within the usual banking hours, for and on behalf of the state of Indiana, present at the bank of Vincennes, adopted the state bank of Indiana, to Carter Braman, Esq. *Cashier of said bank,* and having the custody of the funds thereof, divers notes or bills issued by said bank, of which twelve thousand two hundred and sixteen dollars were made payable at the Brookville branch of said bank; seven thousand eighty one dollars were made payable at the Vevay branch of said bank; four hundred and forty-eight dollars were made payable at the Corydon branch of said bank, and one thousand four hundred and fifty five dollars, made payable at the principal bank aforesaid, at Vincennes, the total of which amounting to twenty one thousand and two hundred dollars, the said Daniel C. Lane, *treasurer* aforesaid, did then and there tender to said cashier, in payment and discharge of certain evidences of debts due from the state of Indiana to said bank, ten thousand dollars, of

which is due and payable on the thirtieth instant, four thousand dollars due early in January in the year 1822, and six thousand dollars due in April 1822, together with the interest thereon accrued and unpaid, and did then and there demand the evidences of said debts to be given up. And thereupon the said cashier answered that said bank had no claim or demand for any debt due them or to fall due hereafter on the state of Indiana.

Given under our hands the 29th December, 1821.

R. W. NELSON
JOHN LAW[3]

REPORT OF COMMITTEE ON EDUCATION

Thursday Morning, December 6, 1821

Senate Journal, 1821, I-XX

Messrs. Caswell, Todd and Welsh, from the committee[1] appointed by the last General Assembly, to prepare a bill, providing for a regular system of education, now made the following report:

The committee appointed by a joint resolution of both Houses of the General Assembly of the state of Indiana, to draft and report, at the present session, "A bill providing for

3. John Law came from New England to Vincennes in 1817. He was a son-in-law of Nathaniel Ewing and a lawyer by profession. He served in congress from Evansville, where he later made his home. He died October 7, 1873.

1. This committee was appointed by joint resolution, January 9, 1821. The resolution reads as follows:

Whereas the General Assembly of the state of Indiana are deeply impressed with the importance of knowledge and learning being diffused through the rising generation of the state of Indiana, therefore:

Be it enacted by the General Assembly of the state of Indiana, that John Badolet and David Hart of Knox county, William W. Martin of Washington county, James Welsh of Switzerland county and Daniel J. Caswell of Franklin county, Thomas C. Searle of Jefferson county and John Todd of Clark county be and they are hereby appointed a committee to draft and report to the next General Assembly of this state "a bill providing for a general system of education ascending in a regular gradation from township schools to a state university wherein tuition shall be gratis and equally open to all and particularly to guard against any distinction existing in any of the said institutions between the rich and the poor."

Resolved, That the said committee shall receive such compensation for their said services herein as shall be allowed by the next General Assembly.

Resolved, That the governor is hereby requested to notify the gentlemen appointed by the above resolution of their appointment and he is also hereby requested to give the committee any information on the above subject in his possession.

Nothing was done by the committee until late in the year when they met at Corydon to formulate their report.

In the Auditor's report, 1822, there is an item of $210 paid this committee for its services.

a general system of Education, ascending in a regular gradation, from Township Schools to a State Seminary, wherein tuition shall be gratis, and equally open to all;" respectfully beg leave to report, that they have had the subject under consideration—and fully reciprocating the sentiments expressed by the General Assembly, as to the importance of a general diffusion of learning and knowledge among the rising generation, particularly in a government, which, like ours, is bottomed upon public opinion, and where intelligence and virtue are the strong safeguards of the Republic; have given it all the attention which time and their various avocations would permit.

Your Committee[2] have to request, that owing to the sickness and death of part of their number, and the non-attendance of others, they have not only been deprived of the benefits anticipated from the well known talents and learning of those with whom they had the honor to be associated; but those circumstances have put it out of the power of your Committee sooner to convene, that a greater portion of time, since the last session of the General Assembly, might have been devoted to the important duties enjoined upon them by the resolution. Although by the resolution of your honorable body, your committee were only instructed to report a bill providing for a general system of education, yet they have deemed the subject of sufficient importance to justify a brief report, shewing the grounds of calculation upon which, a bill when reported, may eventually rest.

2. The committee originally consisted of John Badolet, David Hart, William W. Martin, James Welsh, Daniel J. Caswell, Thomas C. Searle, and John Todd. As noted above only three seem to have been active.

Badollet was born in Geneva, 1758; came to America in 1776 with Albert Gallatin, register of the Vincennes land office from about 1804 to 1836, member of the constitutional convention 1816, a man of good education. Died at Vincennes July 29, 1837.

Hart was circuit judge, died after his appointment. See index.

Martin, a Scotch-Irishman of Bedford, Pa., born August 12, 1781, came to Kentucky 1794, educated in a Presbyterian academy at Paris, Ky., came to Salem, Ind., 1817 and lived at Livonia till his death September 10, 1850. He was one of the fathers of the Presbyterian church in Indiana, passionately devoted to education.

Welsh was a Presbyterian preacher who had been sent from the Transylvania Presbytery to Indiana as early as 1815.

Caswell was a lawyer from Brookville.

Searle was a young missionary sent out from Massachusetts. He preached at Madison in 1818 and organized there and at Hanover Presbyterian churches. He was employed to preach but he died the following year.

Todd was the son of a Scotch-Irish Presbyterian minister, a graduate of Princeton. Born in Virginia, 1772, he came to Louisville in 1806, preaching occasionally at Charlestown. He taught school most of his life. Died at Greenwood, Ind., December 13, 1839.

The donations made by the congress of the United States for the benefit of schools and a state university (although not without a consideration given on the part of the state, by a relinquishment of the right of taxation for a limited time) are liberal in the extreme; and the Union collectively, although they cannot control, have an indirect interest in their final appropriation. It is believed by your committee, that if a proper disposition be made of those donations, a permanent fund may be created, sufficient in amount not only to disseminate the general and more necessary branches of education in the several townships, but also to furnish such endowments to an university, as with some assistance will enable this state to occupy, in a literary point of view, a highly respectable standing. But this, in the opinion of your committee, cannot be expected immediately. High attainments in literature, are not the results of a moment; but like all other improvements, must be gradual and progressive. Your committee are deeply impressed with the importance of the first step which may be taken towards the accomplishment of the grand design. Should a hasty and improvident disposition be made of those funds, your committee are well aware, that the error may be fatal; and that the grants of the General Government, so beneficial in their object and so liberal in their amount, will be rendered unavailing; thereby destroying the brightest prospects, not only of the present generation, but those which are to come after us. Under this view of the subject, your committee cannot but feel, that they are travelling over consecrated ground; and they do not mean it as a commonplace remark, when they say that it is with diffidence they suggest a course of measures, which, if finally adopted by the legislature, must be pregnant with such important consequences.

Your committee have been induced to lay before the General Assembly, the result of their deliberations, so far as they have progressed, that the committee on the subject of education may be as early as possible in possession of the facts and calculations upon which they may be called to report, and which shew the foundation of the systems which have heretofore been adopted by older states.

The state of Indiana is estimated by your committee, to contain twenty two millions three hundred and twelve thousand nine hundred and sixty acres, including land and water.

From this amount, your committee have made the following deductions:

	acres.
For that part of the state covered by the waters of Lake Michigan	96,000
For those lands embraced by Clark's Grant	149,000
For Reservation in Knox and other counties	30,420
For lands reserved for the use of the university	46,030
Total amount of deduction	417,500
Amount of the whole area	22,312,960
Amount of deduction	417,500
	21,895,460

From which aggregate amount, one thirty-sixth part is to be taken as lands appropriated for the use of schools, amounting to six hundred and eight thousand two hundred and seven acres.

These lands, or part of them, your committee would recommend, should be put in market as soon as practicable; and the situation of the country will justify the measure.

The following table will show what may be realized by such sale, at the relative prices of one dollar and twenty-five cents to five dollars per acre, provided the whole amount should be put in market, and can be sold:

Amount of sales	at $1.25	$760,258
Do.	at 1.50	912,310
Do.	at 1.75	1,064,362
Do.	at 2.00	1,216,444
Do.	at 2.25	1,368,465
Do.	at 2.50	1,520,517
Do.	at 2.75	1,672,569
Do.	at 3.00	1,824,621
Do.	at 3.25	1,976,672
Do.	at 3.50	2,128,724
Do.	at 3.75	2,280,776
Do.	at 4.00	2,432,828
Do.	at 4.25	2,584,879
Do.	at 4.50	2,736,931
Do.	at 4.75	2,888,983
Do.	at 5.00	3,041,035

For the purpose of facilitating the sale of the aforesaid lands, your committee would recommend the establishment of one or more land offices, at the discretion of the General Assembly, to be placed at such points as they may think most advantageous.

Whether these lands shall be sold for cash in hand, or upon credit, payable by instalments, your committee find some difficulty in determining. In favor of a sale for cash in hand, it may be urged, that if the proceeds of the sales are funded, together with the interest at the expiration of each year, that the accumulation will be greater than can be realized from the extra price for which it is supposed the lands will sell, should a credit be allowed. Your committee, however, are inclined to think, that considering the present embarrassed state of the circulating medium of the country, the scarcity of the precious metals, and the great amount of land now in market, that greater inducements will be held out to purchasers, should the lands be sold on a credit of four years, payable by instalments, according to the system heretofore adopted by the United States; and that the lands will command a price of more than sufficient to balance such accumulation. But whether the accumulation of a debt existing between the government and the people, and the consequent forfeitures which may be expected to follow such credits, are considerations sufficient to overbalance the difference in price, your committee will not attempt to determine. Should the lands be sold for prompt payment, and the proceeds, together with the annual interest, be put upon loan, the fund will rapidly encrease in amount, and the yearly dividends will consequently be greater.

The following table will shew the ratio of increase, from one to ten years, from the different prices, from one dollar and twenty-five cents to five dollars per acre.

A table shewing the ratio of increase from one to ten years at the different prices of one dollar twenty-five cents to five dollars per acre, upon the principle of funding the principal and interest at the expiration of each year.

Price of Lands	Am't of sales at the several prices of $1.25 to $5.00 per acre	Am't of principal and interest at the end of one year	Am't at the end of two years, principal and interest both being funded	Do. 3 years	Do. 4 years	Do. 5 years	Do. 6 years	Do. 7 years	Do. 8 years	Do. 9 years	Do. 10 years
$1 25	$760,258	$805,878	$858,205	$905,478	$959,806	$1,017,394	$1,078,457	$1,113,145	$1,221,731	$1,284,431	$1,361,500
1 50	912,310	967,048	1,025,070	1,086,574	1,151,768	1,220,874	1,291,126	1,371,773	1,454,079	1,541,323	1,663,362
1 75	1,064,362	1,228,223	1,195,876	1,267,628	1,343,685	1,424,306	1,509,764	1,660,349	1,696,369	1,798,151	1,906,040
2 00	1,216,414	1,289,398	1,366,761	1,448,766	1,535,691	1,627,832	1,725,501	1,829,031	1.938,772	2,005,698	2,178,403
2 25	1,368,465	1,450,572	1,537,607	1,629,863	1,727,655	1,831,314	1,941,193	2,067,665	2,192,925	2,324,500	2,463,970
2 50	1,520,517	1,611,743	1,708,452	1,810,959	1,919,616	2,034,782	2,156,868	2,285,280	2,422,396	2,567,730	2,721,803
2 75	1,672,569	1,772,923	1,879,298	1,992,656	2,111,579	2,238,174	2,372,464	2,514,812	2,665,643	2,825,643	2,995,182
3 00	1,824,621	1,930,098	2,045,903	2,168,657	2,298,776	2,436,962	2,582,904	2,737,873	2,902,150	3,076,276	3,260,852
3 25	1,976,672	2,095,272	2,220,988	2,354,247	2,505,501	2,055,821	2,815,180	2,984,090	3,163,135	3,352,923	3,544,098
3 50	2,128,724	2,250,447	2,391,734	2,535,238	2,687,352	2,848,593	3,019,509	3,200,679	3,392,720	3,596,283	3,812,061
3 75	2,280,776	2,417,622	2,562,679	2,716,439	2,879,425	3,052,190	3,235,321	3,429,440	3,635,206	3,853,318	4,081,517
4 00	2,432,828	2,578,894	2,733,628	2,987,645	3,166,904	3,356,918	3,558,334	3,771,834	3,998,886	4,238,033	4,492,313
4 25	2,584,879	2,739,971	2,904,374	3,078,632	3,263,350	3,459,151	3,666,690	3,886,691	4,019,983	4,367,086	4,629,141
4 50	2,736,931	2,901,146	3,075,214	3,259,726	3,455,309	3,662,627	3,882,384	4,115,327	4,362,246	4,623,981	4,901,408
4 75	2,888,983	3,062,321	3,246,061	3,440,825	3,647,374	3,866,217	4,098,190	4,344,084	4,604,700	4,881,009	5,173,869
5 00	3,041,035	3,125,497	3,310,906	3,509,560	3,720,133	3,943,340	4,179,940	4,430,736	4,695,580	4,978,374	5,277,076

This table, together with the other, may probably contain some errors, and in no instance have the fractional parts of a dollar been calculated; but they are supposed to be sufficiently correct to answer all the purposes for which they are intended.

Should the legislature be disposed to fund the proceeds of the sales, it is believed by your committee, that at the expiration of six years, a sufficient dividend may be made to maintain a school in each school district, for the term of 3 months in each year, out of the public money alone.

Your committee are also of opinion, that a school for a shorter term than three months in each year, would not be calculated to promote the intended object, and that good teachers, cannot be obtained without great difficulty, for a shorter term. To effect this object, your committee would recommend that so soon as any money shall be received upon such sales, or upon instalments which may become due from time to time, that the amount be loaned upon mortgages of real estate, small sums, the interest to be paid annually, which interest also be funded in like manner, at the expiration of each year, having special regard that the debt be perfectly secured, upon such landed estates as have undoubted title, the amount of which shall be sufficient to secure the state against all possible losses. But should the dividends be immediately made after the first year, without further increase, the following table will shew the number of townships in which schools are eventually to be organized, the number of schools necessary, allowing nine square miles to each school district, the amount of dividend for the first year, at the relative prices; also the amount which may be divided, should the fund be permitted to accumulate for the term of six years.

Number of towns in which schools are to be organized 950
Allowing each school district to contain nine square miles, there will be in the state.....3,800 schools.

The following table will shew the amount of the annual dividend after the expiration of the first and sixth year, at the relative prices of $1.25 to $5.00 per acre.

Price of Lands	Dividend after 1st year	Dividend after five years
At $1 25	Dividend for each district $12 00	Dividend for each district $17 02
1 50	" 14 40	" 20 43
1 75	" 16 80	" 23 84
2 00	" 19 20	" 27 25
2 25	" 21 60	" 30 66
2 50	" 24 00	" 34 07
2 75	" 26 40	" 37 48
3 00	" 28 80	" 40 89
3 25	" 31 20	" 44 30
3 50	" 33 60	" 47 71
3 75	" 36 00	" 51 12
4 00	" 38 40	" 54 53
4 25	" 40 80	" 57 94
4 50	" 43 20	" 61 35
4 75	" 45 60	" 64 76
5 00	" 48 00	" 68 17

It is impossible for your committee to determine the amount of money which may be raised by selling the lands upon credit and funding the instalments, as they become due; but it is presumed the amount will be less than upon a cash sale. The above calculations are made upon the supposition of a sale of the whole of the lands; but as the proportion of school lands is the same throughout the state; the dividend in each township will be the same, although no sales should be effected, but in a more settled part of the country.

In determining the number of schools which may be necessary throughout the state, your committee have allowed nine square miles to each district, which will give to each township four district schools.

If these are properly located, the extreme distance which any children will have to travel to attend school, will be but little more than one mile and one half. This calculation, it is presumed, will suit the present population of the state; but in the state of New York, the law provides for the establishment of a school upon every four square miles, and if we allow to every quarter section of land, four children, between the ages of four and sixteen years, the number would be sixty

four in every school district; a number sufficiently large, in the opinion of your committee, for advantageous improvement. Upon that calculation, nine school districts, instead of four, would be necessary in each township, which will consequently increase the number from three thousand eight hundred to eight thousand five hundred and fifty. It is the opinion of your committee, that the present population will not require a greater number than four, and the change can be made whenever the situation of the country shall require it. Your committee would therefore recommend, that a school district be located and established upon every territory of land comprising nine square miles, whenever the population in such township and the situation of the school funds will justify it; the location to be made as nearly central within the district as may be.

Another system of rendering donation lands productive, has been adopted in many parts of the United States, which is that of leasing the lands, either permanently, or for a life or lives. But the same beneficial results have not been here as in Europe.

In England all lands are held by that kind of tenure, and the immense population of that country are not left to their choice of titles. The privileges attendant upon a fee simple interest, are not within the reach even of the wealthy; and although the existence of the people in a great measure depends upon a preservation of the timber and a proper cultivation of the soil, yet even there, the restrictions and forfeitures attendant upon those estates, are often considered burthensome and oppressive. If the sole object of the farmer were the accumulation of wealth, it will not be denied by your committee, that leases would be preferred; for it is believed that the individual who pays during his life the annual interest of five dollars per acre, by way of ground rent, pays a less sum than the purchaser, who advances his purchase money, although he should buy the land at a much less price than five dollars per acre. But the independence attached to a fee simple interest, it is hoped will long be cherished by every freeman, as one of his dearest rights.

It is believed, by your committee, that the great mass of individuals, who would make good tenants, will prefer the allodium, and they cannot but be strongly impressed with a belief, that even permanent leases will not protect the prop-

erty of the state from destruction, unless restrictions are imposed upon tenants, which might be considered incompatible with the principles of a free government. Should restrictions be imposed, much danger is to be apprehended in progress of time, from litigation and disputes, which may arise between the government and the people, should the system of leasing be adopted. If the tenants hold the lands without impeachment of waste, the experience of our sister states furnishes ground of fear, that after a few years, those tenants will find it convenient to quit the premises, not only leaving rent in arrear, but doing such damage to the lands, as will place it beyond the power of the state, either to sell or lease them for many years. This system of leasing is also more objectionable here than in many of the eastern and northern states.

In most parts of that country, the second growth of timber is more thrifty than the first, and lands which were cleared of timber in the year eighteen hundred, have now a sufficient growth upon them to answer all the common purposes of life. But your committee would enquire, whether the experience of this country as to the second growth of timber, will justify such an expectation, as it regards the greater portion of lands in this state.

As an answer to these objections, it may be urged that the tide of emigration is steadily flowing to the west, and that the future population of the state will justify the expectation, that tenants of a better class will soon be numerous. But it must be recollected, that the field for emigration is also immense, and that the tide will probably continue to roll on over the western wilds, until it reaches the Pacific Ocean; so that little change can be expected, until the long distant ebb shall return upon us a redundant population.

Your committee are however apprised, that many of your honorable body entertain different sentiments, as to the best method of rendering the school funds productive and have therefore prepared a table showing what amount may probably be realized, by selling the lands at auction to the highest bidder, the purchaser paying annually, the interest of the amount he shall bid for the land, also shewing the increase of that fund by a loan of the amount of interest, from year to year, for the term of six years.

Suppose the lands to be sold at $3.50 per acre, the purchaser paying annually the interest of the amount of sale, the yearly amount to be paid for a quarter section would be twenty one cents per acre, which is equal to..... $36.60
Making for the whole, the gross sum of..... 127,720.00
If this sum together with the interest and the instalments, as they become due, from year to year, be funded for the term of six years; the whole amount will be..... 1,018,630.00
Interest of this sum one year is..... $53,454.00
Annual sum to be added as income..... 127,723.00

$181,177.00
Making the sum, annually to be divided..... 181,177.00
Amount of dividends, for each school, will be.... 47.67

Should the lands sell at 4 dollars per acre, the amount to be paid for a quarter section will be twenty four cents per acre, equal to..... 38.40
Making for the whole, the gross sum of..... 145,909.00
If this sum together with the annual interest, and the instalments as they become due, from year to year, be funded for the term of six years, the whole amount will be..... 1,164,508.04
The amount to be divided at the end of six years will be 207,081.00
Amount for each school district 54.49

In order that a regular system of education may be adopted throughout this state, and that the public funds shall not be improperly appropriated; your committee would recommend, that a board of inspection be appointed, in each county wherein schools are to be established, whose duty it shall be to examine the qualifications of all teachers who may be offered by the trustees of the several school districts for employment, and shall give the person applying, a certificate of qualification, if they find his acquirements such as will justify such certificate, and that in no instance, the trustees of such school district be authorised to receive the dividends appropriated by law, for the payment of such teachers, unless the person by them employed, to teach such school, shall first have received such certificate. Your committee would further recommend, that it be made the duty of such inspectors, some or

one of them, at least twice in each session, to visit and examine the several schools in their county, with a view of ascertaining the manner in which said schools are taught, and the improvements made in the several branches of education.

This course is suggested under a belief, that a public examination is calculated to excite vigilance in the instructors, and a spirit of emulation, among the youths under their charge.

Should strict attention be paid to the organization and improvement of township schools, they may become nurseries of teachers, for the wide extent of country yet to be settled.

Your committee would further suggest, that no person shall be considered as a competent teacher of such district school, unless he be of good moral character, and well versed in reading, writing, arithmetic, English, Grammar, Geography and Surveying.

Your committee have been more particular as to the qualifications of instructors, from a belief, that few persons will feel themselves able to educate their sons at the University and your committee have considered the above qualifications as indispensible to a good English education.

The annual fund for the benefit of township schools it is presumed, will not be more than sufficient to pay the instructors who must necessarily be employed, upon the system which has been suggested.

Towards the further accomplishments of the great object, your committee would recommend, that the qualified electors within the bounds of each school district, when organized for certain purposes, be a body politic and corporate, with power by their vote to levy and collect a sufficient tax to erect suitable buildings for the purposes of a school, and also by their vote to levy and collect a tax sufficient to maintain a school in such district, for any portion of time in each year, which they may think proper, in aid of the general appropriation from the common fund.

Your committee are aware, that to compel the people of a district, to support a school against their will, might be considered an infringment of their natural rights, but if each school district is left at liberty to adopt or reject such tax, it cannot in the opinion of your committee, be considered either burthensome or oppressive.

As to the quality of buildings to be erected, and the time for which such schools shall be kept, they are left at liberty

to determine, and of their comparative poverty or wealth, may be the sole judges.

Your committee would recommend, that the internal police and management of such schools, be intrusted (in addition to the board of inspection and instructor, as aforesaid,) to a suitable number of trustees, to be elected by the qualified electors in each district, who shall have power to employ teachers, furnish fuel and other necessaries for the school, and to exercise a general superintendence over the concerns of said district.

On the Subject of County Seminaries

As to the monies arising from fines, forfeitures and commutations for military service, your committee beg leave to enquire, whether the laws upon those subjects may not need amendment, and would respectfully advise, that they be made as efficient as practicable, for ascertaining the correct amount, and for securing and collecting the monies annually.

The amount of these monies, either on hand or now due, your committee cannot, for want of sufficient data, with any precision conclusively state, but conjecture that the following estimates may not be far from correct.

From examinations had of the reports of agents for county seminaries, of twenty-six counties, for eighteen hundred and twenty, and including the previous years, the amount is stated at three thousand dollars, and for the year one thousand eight hundred and twenty one, from six counties, at two thousand and sixteen dollars, making an aggregate of five thousand and sixteen dollars, as now reported.

Your committee, however, feel pretty confident that, upon a more full and careful investigation of the subject, there will be found due to the state, a much larger sum.

With regard to the establishment of county academies, your committees beg leave to enquire, whether the following plan may not be expedient, viz. That your Honorable body should, by law, make it the duty of the several townships, in each county, to elect one trustee for each township, and resident therein, to be a member of the board of such academy, whenever the county funds for that purpose, will authorise the establishment of such an institution, and that as soon as there shall have been a regular and fair return made from each township, of the persons elected in it for a trustee, certified

by the clerk and judges of the election, to the clerk of said county, whose duty it shall be to record the same, and the several trustees so elected shall have taken an oath, faithfully to discharge the duties of a trustee in such county academy, such board shall then be in law and in fact a body politic and corporate, either as it respects prosecution or defence, the acquisition or disposal of property, the choice of a teacher, or any other act, calculated to promote the interest of such academy, and corresponding with the original laws and constitution of the state of Indiana on that subject.

Your committee would, however further recommend that such academies should always be subject to any constitutional alterations, which the legislature may from time to time see proper to make.

Your committee further beg leave to recommend, a sale of the college lands upon the same principles heretofore suggested, as to the lands reserved for the use of township schools, and the funding the proceeds in like manner.

It is believed by your committee, that five dollars per acre, be a fair price to establish as a medium for the whole, under this view they submit the following table which will shew the amount of lands, so far as your committee have been able to ascertain them, the amount of money which may be realized on such sale, the yearly accumulation of the fund, and the total amount at the expiration of six years. In this calculation the interest is added to the principal, and loaned at the expiration of each year.

NOTES UPON THE COLLEGE TOWNSHIPS

Number of townships		2
"	Sections unsold	64
"	Acres in 64 sections	40,960
"	Money for 40,960 acres, sold at $5, one fourth to be paid on the day of sale	$204,800
"	One fourth of $204,800	51,200
"	Interest on $51,200, the 1st year, and to be added to it, making	57,528
"	Interest on $57,528, the second year, and to be added to it, making	61,430
"	The second instalment of 51,200 at the end of the second year, and to be added to 61,430, and making	112,630

"	Interest on $112,630, for the 3d year, and to be added to it, together with the instalment due at the end of that year	170,587
"	Interest for the 4th year on 170,587, and to be added to it, together with the instalment due at the end of that year, and making the total sum of.....	322,002
"	Interest on 322,002, the 5th year, and to be added to it, making at the end of that year the total sum of.....	246,012
"	Interest on the last amount at the end of the 6th year, and to be added to it, making a total sum of.....	260,772

With regard to an University for the state, contemplated in the law making provision for the promotion of literature, and the organization of such an institution, your committee recommend the passage of a law for establishing it, to be known by the name of the University of Indiana, and that a board of trustees be selected with great care, and appointed by law to superintend its interest.

Your committee think, that to appoint as great a number as are found composing the eastern boards, might not be advisable, and would for different reasons which might be assigned, tend rather to embarrass and retard the operations of such an institution, than give them facility.

Your committee would respectfully suggest the number of thirteen, besides the Governor and Lieut. Governor, who shall be trustees *ex officio*, a majority of whom having regularly met any time, shall form and be a quorum, for business; and that this board, constituted a body corporate and politic, should afterwards have authority to fill their own vacancies whenever they occur. That it should be the duty of this board, to appoint and manage all the interests of the institution, to select and employ a president, professors, tutors, a librarian, steward, &c.

Should the funds not be considerably increased either by legislative aid or otherwise, beyond what a fair interest for five or six years will make them; your committee are of opinion that the most expedient plan as introductory to an University, will be to establish a College first: In that case, to make it respectable or indeed useful, it is respectfully sug-

gested, that it will be necessary to place a president at the head of it, whose duty it shall be, besides exercising a general superintendency, to participate personally in giving instruction to the highest or first class in College, Logic, Metaphysics, Moral Philosophy and Criticism—2d. A professor of Mathematics and natural Philosophy—3d, A professor of Geography, ancient and modern, and astronomy, as also, 4thly, a professor of the Latin, Greek and Hebrew languages, with one or more assistant tutors.

But should the funds be auspiciously managed and augmented, then and in that case, your committee take the liberty, prospectively, of submitting it as their opinion, that a variety of other additions, to the merely literary departments should also be made.

Should it therefore, in a pecuniary point of view be found practicable, your committee would further respectfully suggest, the propriety of adding a professorship in theology, with one of the law: together with a medical school, to be conducted by its proper professor.

In this department of the university, your committee beg leave to recommend the following arrangement: 1st. clinecal proper; 2d, one on the materia medica, botany and natural history; 3d, one of chemistry; 4thly, one on physiology, anatomy and obstetricks, and 5thly, one of surgery.

The whole, both in the literary and other departments, forming a faculty, and reciprocally aiding each other in preserving order, and giving dignity to the institution.

When the committee recommended these last variety of additions to the college, they are aware from their instructions, that a gratuitous education is intended by the legislature in the merely literary departments, and from the lowest of them in a common school, to the highest in an university.

In correspondence with this legislative intention, the committee have made their calculations for a term of years not exceeding six, when according to the estimates of the committee, the aggregate amount as will be seen from the tables, will be $260,772, from this amount 60,772 may then be safely employed: Say 40,000 dollars of it in erecting a building, and the balance 20,772 dollars, in obtaining a library and a philosophical and chemical apparatus, in such proportions of each as may then be found most expedient.

After this deduction is made, it will be seen, that there will remain as a permanent fund of dolls. 200,000, the annual interest amount of which is dolls. 12,000, which allowing the president dolls. 2,000- per annum, and to professors, each, dolls. 1,200, and to the two tutors, each, dolls. 600.00. The whole amount of expenditures on the teachers will amount to $6,800, leaving a balance yearly, of five thousand two hundred dollars, for appropriation in whatever way may be deemed best.

The committee submit it to the consideration of the legislature, whether it might not be advisable to appropriate annually $1,000 of the remaining $5,200 to increase the library.

With regard to the internal police, in any of the public institutions, from the academy to the university, your committee have thought it would be premature in them to suggest any thing on that subject.

All the laws and regulations customary and necessary in the different departments in the college or university, must naturally and with propriety grow out of the authority with which your honorable body may be pleased to clothe the board of trustees, and with the exception of the tutors, all the various grades of instruction of each of them.

Your committee having thus briefly stated the result of their deliberations upon the several subjects indirectly involved in the resolution of your honorable body, would respectfully inquire, whether the public good imperiously demands that a further report should be made at the present session, or whether a vacation might not consistently be allowed your committee, or some one of them, or some other person to prepare a bill so tedious in detail as the organization of the different schools.

Your committee have preserved the materials which will greatly facilitate the drafting such bill, and wish to hold themselves subject to the will of your honorable body, but they humbly conceive, that until the General Assembly devise the means of rendering school funds productive, a bill organising schools, academies and universities, cannot be material.

Your committee would further suggest to your honorable body, that they have opened a communication with the heads of department of those states, where schools have been organized by public authority, as also with some of the most respectable literary institutions in the United States; from which

sources they expect to receive such documents as will greatly facilitate the accomplishment of so desirable an object.

Those documents, together with the time which will be allowed for reflection and study, in the opinion of your committee are important, and ought not to be dispensed with, unless existing cause, not within the knowledge of your committee, render a different course necessary.

All of which is respectfully submitted,

DANIEL J. CASWELL,
Chairman of the Committee

SPECIAL MESSAGE: LOTTERY AT WASHINGTON

CORYDON, Dec. 21st, 1821

THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES:

At the request of the corporation of the City of Washington, in the District of Columbia, I enclose a letter addressed to me, and a memorial [not found] addressed to the General Assembly, on the subject of authorising the said corporation to vend lottery tickets in this state.[1]

Very respectfully, &c.

JONATHAN JENNINGS

ENCLOSURE 1

EXTRACT FROM REPORT OF CONGRESSIONAL COMMITTEE

The terms of that amendment which, as far back as the 6th of May, 1812, vested in the City Corporation [of Washington] the power of raising money by lottery, are, in substantial import, the same with those of the renewed charter, except that in the latter the duration of this power is limited to ten years. In both, it is subjected to the control of the President of the United States; and every resolution adopted by the Corporation, in pursuance of this power, has been subsequently approved by the President.

The first resolution of the Board of Aldermen and Common Council of the City, in which its legislative power is vested by its charter, authorized the raising of ten thousand dollars

1. The Assembly seems to have taken no action but an explanation of the affair may be had from the extract from the *Congressional Record* which is given.

by lottery, "for building, establishing, and endowing two public school-houses on the Lancasterian system," and received the approbation of Mr. Madison on the 23d of November, 1812.

Second resolution, authorizing the raising of ten thousand dollars for a penitentiary. Approved, August 3, 1814. James Madison

Third resolution, authorizing the raising of ten thousand dollars for a town-house or city hall. Approved, May 10, 1815. James Madison

Fourth resolution, authorizing the raising of ten thousand dollars for two public school houses, a penitentiary, and a city hall. Approved, April 20, 1816. James Madison

Fifth resolution, authorizing the raising of ten thousand dollars for same. Approved, April 5, 1817. James Monroe

Sixth resolution, authorizing the raising of ten thousand dollars for same. Approved, Oct. 19, 1818. James Monroe

Seventh resolution, authorizing the raising of ten thousand dollars for same. Approved, Oct. 29, 1819. James Monroe

Eighth resolution, authorizing the raising of ten thousand dollars for same. Approved, Oct. 31, 1820. James Monroe

In pursuance of these resolutions, the managers, in whom the Corporation vested the power of carrying their purpose into effect, have contracted at different periods for the drawing of five lotteries, or classes of a lottery. The first of these authorized the sale of tickets to the amount of one hundred and fifty thousand dollars; and for this the Corporation was, by the contract of the managers with the lottery agent, to receive ten thousand dollars; but the managers have stated to the committee that, owing to a misunderstanding between themselves and the agent for that class, they have, as yet, received no part of that sum.

From the second and third classes, authorizing the sale of a number of tickets of the value of $300,000, the managers have realized $20,000, being $10,000 for each class.

From the fourth class, which is now drawing, and the tickets of which amount in gross value to $210,000, the managers will have received in course of the ensuing month $6,666.67; and from the fifth class, the tickets of which are computed at $400,000, they expect to realize the further sum of $13,333.33, being in all $40,000, from the authority granted by the resolutions of eight years.

—*Annals of Congress, 16th Congress, 2d Session, p. 970*

SPECIAL MESSAGE: RECOMMENDING DAY OF FASTING AND PRAYER

December 22, 1821

House Journal, 1821, p. 264

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Pursuant to an application, respectable and consonant in its character, I submit to the General Assembly in conformity to the request the propriety of appointing a day of fasting and humiliation and of prayer to Almighty God, that He would avert those judgments that have impended our land, and that He would in His manifold mercies, bless our country with fruitful seasons, and our citizens with health.

JONATHAN JENNINGS

JOINT RESOLUTION

Laws of Indiana, 1821, 171

Resolved by the General Assembly of the state of Indiana, That the second Friday in April next be observed as a day of public supplication and prayer to Almighty God, that he may avert the just judgments impending our land; and that in his manifold mercies he will bless the country with fruitful seasons, and our citizens with health and peace.

Resolved, also, That the Governor be requested to issue his proclamation requiring the citizens to abstain from all servile labor on said day, and soliciting religious societies of every denomination to keep and observe the same as a day of humiliation, fasting and prayer. [See March 12, below.]

SAMUEL MILROY,
Speaker of the House of Representatives
RATLIFF BOON,
President of the Senate

Approved December 31st, 1821

JONATHAN JENNINGS

SPECIAL MESSAGE: THE STATE BANK AND THE JEFFERSONVILLE CANAL COMPANY

December 27, 1821

House Journal, 1821, pp. 300-303

THE HON. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR;—I have now the pleasure of communicating to you, and through you to the House of Representatives, in compliance with their resolution of the —— inst. a detail of facts respecting that part of the three per cent. fund which has heretofore been appropriated to the Jeffersonville, Ohio Canal Company.

Shortly after the act of the General Assembly was in force, appropriating ten thousand dollars of the three per cent. fund to the use of said canal company, the necessary measures were adopted to procure the amount from the treasury of the United States, and the application for the same was made through our Representative in Congress, Mr. [William] Hendricks, with a request that a draft might be obtained for the sum on the bank of the United States at Louisville (Ky.). Through the agency of General Hendricks, a draft was forwarded upon the bank of Vincennes, assigning as the reason that the secretary of the treasury had not disposable funds in the United States branch at Louisville. Shortly after the reception of the said draft, John H. Farnham Esq.[1] passing through this place was requested by me to negotiate the draft with the said bank, and to deposit the one half to the credit of the Governor of this state, and to procure the other half in notes on the bank or branches of the United States. Mr. Farnham not having proceeded to Vincennes specially to negotiate the said draft, but chiefly on business of his own, was informed that they would pay only in the notes of the said Vincennes bank or in specie. The payment of $5,000 was then made to Mr. Farnham in the paper of the said bank, and the remainder, being $5,000, deposited to the credit of the Governor of the state, as per documents numbered one and two.

1. John H. Farnham was a graduate of Harvard and one of the distinguished citizens of Salem. He was not politically popular on account of his Yankee traits but his library was very attractive. He spent the winters at the capital where he occupied himself writing speeches and reports for aspiring politicians. He was one of the earliest professional lobbyists in Indiana. He was enthusiastic for education. He was an uncle of John Hay. He died of cholera in 1833, the same epidemic that carried off Judge Benjamin Parke.

The sum drawn of $5,000 was under date of the 5th of May, as appears by document number two; and on the 11th of the same month as appears by document No. three, two thousand dollars of the said $5,000 was deposited in the Corydon branch bank in notes on the said Bank of Vincennes. On the 13th of the same month (May), it will appear by document number four that I paid to the agent of the Jeffersonville Ohio Canal Company, three thousand dollars, making with the two thousand dollars deposited in the Corydon branch bank on the 11th day of May, 1820, the five thousand dollars received by me from the hands of Mr. Farnham in Vincennes paper, for which I gave him my receipt.

Allow me here to remark, that the five thousand dollars received by Mr. Farnham is the only and entire portion of the said ten thousand dollars aforesaid that ever passed through my hands directly or otherwise.

In August, 1821, being in Jeffersonville, I was applied to by the officers of the Company for money. Under the discretion imposed upon me by law, a draft was executed by me upon the Vincennes Bank, in favor of O. Raymond Esq., secretary of said company, for two thousand dollars; which was negotiated through Israel Gregg, and a draft obtained by him from the Bank of Vincennes on the United States branch bank at Louisville, and which draft was assigned by said Gregg to Samuel Gwathmey Esq. [of Jeffersonville] then treasurer of the Canal Company; who negotiated it as explained by document Number five. When the two thousand dollars was realized by the said company, I obtained a duplicate receipt for the same, as per document Number four.

When prosecuting the examination into the banks, being in Vincennes in June last, I discovered from the books of the Vincennes bank that the Bank of Columbia, in the district of Columbia, was a debtor to the former twelve hundred dollars; and with the expectation of realizing that sum in good funds for the use of the company of the $5,000 remaining unpaid to the company; I obtained a draft from the cashier as governor of the state for the amount. This draft, after my return to this place, was forwarded to the Bank of Columbia with directions to deposit the amount to my credit as governor aforesaid. The delay which was experienced in re-

ceiving the expected certificate of deposit induced me to address a friend resident in Georgetown in the District of Columbia a letter on the subject; a copy of the reply is herewith submitted, Number six. Shortly after the reception of his letter, I received from the cashier of the Bank of Columbia, a letter enclosing a certificate of deposit; specially declaring however, that the sum of $1,200 was to be paid in the paper of the Vincennes bank. Disappointed in securing good funds, I returned the letter and certificate of deposit to General Hendricks, who has no doubt received them since his last arrival at the city, and requesting him to call at the said bank, and if good funds could not be procured to obtain the original draft protested, which had been executed on the bank by the cashier of the Vincennes Bank; and if this could not be accomplished, to procure the notes of the Vincennes bank and bring them with him on his return home next spring, or remit the notes to me by mail in small sums to guard against miscarriage.

This detailed statement, as will appear by a former communication to the General Assembly on the subject; two thousand dollars on the Corydon branch bank; eighteen hundred dollars in the Vincennes bank; and twelve hundred dollars in the Bank of Columbia, to be paid in Vincennes paper; leaving two thousand dollars of the appropriation to the Jeffersonville Ohio Canal Company, subject to the order of the governor of this state.

I recommend to the consideration of this General Assembly the propriety of providing by law that the governor of the state, or the authorized agent of the aforesaid company, may take measures to secure the ultimate payment of the said amount by legal process, or by such other measures as may be calculated to prevent a future loss. [Papers referred to not found]

Very respectfully,

JONATHAN JENNINGS

PROCLAMATION: ORDERING DAY OF FASTING AND PRAYER[1]

March 12, 1822

Western Sun, March 23, 1822
Corydon Gazette, March 14, 1822
Indianapolis News, November 21, 1913

JONATHAN JENNINGS, *Governor and Commander in Chief of the State of Indiana,* TO ALL WHO SHALL SEE THESE PRESENTS, GREETINGS:

WHEREAS, The General Assembly of the state aforesaid by a joint resolution approved the 31st day of December last, [see Dec. 22 above] appointed and set apart, the second Friday of next month to be observed as a day of Publick supplication and prayer to Almighty God, that he may avert the just judgments impending our land, and that in his manifold mercies, our country may be blessed with fruitful seasons and our citizens with health and peace.

Now, therefore, be it known, that in compliance with the joint resolution aforesaid, I have issued this my proclamation requiring the good people of this state to abstain from all servile labour on said day, and hereby requesting and soliciting religious societies of every denomination, to keep and observe the same as a day of humiliation, fasting and prayer.

Given under my hand and seal of state, at Corydon this twelfth day of March one thousand eight hundred and twenty two.

JONATHAN JENNINGS

By the Governor: R. A. NEW, *Secretary*

PROCLAMATION: ELECTION TO FILL VACANCY IN CONGRESS

June 7, 1822

Corydon Gazette, August 8, 1822

JONATHAN JENNINGS, *Governor and Commander-in-Chief of the State of Indiana,* TO THE SHERIFFS OF EACH COUNTY THROUGHOUT THE STATE:

Whereas, A vacancy has happened, by the resignation of the Hon. Wm. Hendricks, a representative from this state, in the Seventeenth Congress of the United States:

1. The original of this proclamation is in possession of Mr. George Pence. A facsimile was published in the Indianapolis *News*, November 21, 1913.

You are therefore required and commanded to cause an election to be holden on the first Monday of August next, to elect a representative to represent this state during the vacancy in the Seventeenth congress of the United States. And the manner of your return shall be in conformity to law.[1]

Given under my hand and seal of State at Corydon, this seventh day of June, 1822, the sixth year of the state, and of the Independence of the United States the forty-sixth.

JONATHAN JENNINGS

By the Governor:

R. A. NEW, *Secretary*

ANNUAL REPORT OF TREASURER OF STATE

CORYDON, Nov. 30, 1822

Senate Journal, 1822, p. 32

The treasurer in obedience to an act of the General Assembly, entitled an act, concerning the auditor of public accounts, and treasurer of state, submitted the following report:

That there was remaining in the hands of the treasurer, on the 17th day of November, 1821, the sum of four thousand four hundred and seventy six dollars, and seventy nine cents.....	$4,476.79
That from the 17th day of November 1821, to the 30th day of November, 1822, inclusive, there has been paid into the treasury, by sundry sheriffs, and other collectors of the revenue the sum of twenty two thousand one hundred and sixty nine dollars, and forty nine cents.....	22,169.49
By the representative of James Crow, late sheriff of Gibson county, for monies due under the territorial government, the sum of fourteen dollars eighty cents	14.80
By John Carr, late agent and receiver of public monies at Indianapolis, the sum of eight thousand and three dollars.....	8,003.00

1. Governor Jennings was elected to fill this vacancy at the same time Hendricks was elected governor. Also at the same election Jennings was elected for the long term following.

By the sheriff of Dearborn county, for the revenue of 1822, the sum of forty eight dollars.....	48.00
From Silas T. Toncray, an engraver, ten thousand treasury notes of the denomination of one dollar each, making the sum of.....	10,000.00
Making a sum total of forty five thousand five hundred and sixty two dollars, and eight cents.....	$45,562.08

Within the periods above mentioned there has been paid at the treasury in discharge of the contingent expenses of government, the sum of.....	$529.80
For wolves destroyed, the sum of.....	12.00
To county censors, the sum of.....	9.56
To the committee on education, the sum of.....	140.00
For postage, the sum of.....	100.00
In payment of Executive officers the sum of.....	1,595.80
In discharge of militia claims, the sum of.....	231.97
To the attorney general, the sum of.....	100.00
In payments for public stationary, printing, fuel, &c. the sum of.....	2,291.03
In payment of territorial warrants, the sum of.....	27.61
In payment of the officers of the judiciary, the sum of	3,564.00
In payment of seat of government account, the sum of	1,722.61
To the President of the board of commissioners of the state prison, the sum of.....	1,000.00
In payment of the members of the General Assembly, and incidental expenses attendant thereon, including those claims provided for by special appropriation, as well as general, the sum of.....	25,164.33
Making in all the sum.....	$44,578.48
Leaving a balance in the hands of the treasurer on this day of.....	$983.60
And out standing claims in the legislative department, of	22.24
In the seat of government account, the sum of....	501.59
In the judiciary department, the sum of.....	2,036.00

In the executive department, the sum of.....	605.00
To the committee on education, the sum of.....	70.00
To the attorney general, the sum of.....	100.00
To the engraver of treasury notes, the sum of....	175.00
Making in all the sum of.....	$3,509.80

All of which is respectfully submitted,

D. C. LANE,
Treasurer of State

JENNINGS TO HIS CONSTITUENTS[1]

WASHINGTON, April 7th, 1823

Indiana Journal, April 24, 1828

DEAR SIR:

Your letter of the 19th of last month I have received and although my vote on the appropriation to continue the Cumberland road would appear to represent me as being opposed to its continuation, yet I must confess, notwithstanding, that I was a little surprised, when I read in your letter, that I am considered as having opposed the road, and of disregarding the interest and will of my constituents. I have not been in the habit of writing out for the newspaper, what observations I occasionally make in the House of Representatives; and in relation to the present case, if the reporter had given correctly and at length, what explanation I made at the time the subject was under consideration, the detail which I must now give, would have been rendered unnecessary. If the professed friends to the progress of this road were as sincere as I am, its completion would be certain and more rapid and appropriations for that purpose would be less trammelled, by conditions and provisos illusory and deceitful in their character, not warranted by a proper construction of the compact between the state of Indiana and the United States; and qualified to furnish an excuse or an objection, almost at any time, against any further appropriations being made towards completing the road.

1. This and the following letter are given as examples of the political circulars which Jennings furnished his constitutents. A score of these have been preserved and are valuable in the study of the politics of the period, but they are national in their nature. The first is in answer to a specific complaint from Indianapolis; the second is a review of the work of the term. It was his custom to issue a circular like the latter at the end of each session.

I now refer you to the compact between the United States and the state of Ohio, in vol. 3 of the laws of the United States, page 498, and to a supplement or modification of that compact, same volume, page 541. The great object in the first instance, was to facilitate, between the Atlantic and western waters, intercourse and transportation, by the construction of a great national road, and thereby, produce an additional ligament to bind, more closely, the distant parts of the Union. This road to the Ohio river at Wheeling is as much a road to the states of Kentucky, Illinois, Tennessee, Missouri, Mississippi, Louisiana and the Territory of Arkansas, as it is a road to the states of Ohio and Indiana, unless it shall be extended and completed, through the two last mentioned states, to the Mississippi river. The construction of this road, then, was one of the considerations that induced the state of Ohio and the United States, to enter into the compact; and according to my construction of that compact, and likewise, the compact between the United States and the state of Indiana, the two per cent. of the nett proceeds of the sale of the public lands, was not the leading consideration, but merely a designation of the fund in part, that would necessarily be required to complete and fulfil the compacts, so far as relates to the Cumberland road.

In other words, that it was not contemplated that the two per cent fund was to furnish the only resources for the completion of this road. The original cost of this road from Cumberland to Wheeling, independent of repairs, is $1,457,934. Now if this two per cent fund was to have furnished the only resources to complete this road, according to the compacts, we have no longer any claim upon the United States, as this two per cent fund is already exhausted. Assuming the amount of 30,000,000 dollars (which is substantially correct) as the whole amount of the nett proceeds, arising from the sales of all the lands of the United States, to the 30th of September last, two per cent upon that sum, would amount to 600,000 dollars and shews, that there has already been expended on this road, and that too, between Cumberland and Wheeling, not quite treble, and considerably more than double the amount of two per cent, upon the nett proceeds of the sales of all the public lands.

From time to time, however they have attached a condition, with some exceptions that the moneys appropriated for the

should be rejected; and which would leave a blank, that it would be proper and competent and proper for the House to insert in lieu of the proposition as amended, any sum not exceeding the original of 175,000 dollars, would have been inserted without the condition. See the act when published. My vote was therefore, no more nor less, than a vote against the pledge and condition of repayment to the United States, and not against the continuation of the Cumberland road. But if my constituents are satisfied, or prefer the continuation of the conditions with any future appropriations for this road, I am sure it will not interfere either with my conscience or my interest to accede entirely to their views on the subject; and I protest against the "Charge exhibited against me, of knowingly disregarding the interests and will of my constituents."

I did believe, and after a patient examination of the whole subject, that, I was promoting the present and future interest of my constituents—especially those of Indianapolis and the surrounding country. A few general remarks may better elucidate this matter. If the two per cent fund, instead of the making of the road shall be considered as one of the considerations which induced the compact, between Indiana and the United States; and that this fund is to furnish the only means of making this road; I say then in such case, that our fund is exhausted, and in debt, more than it will ever amount to, from Ohio, Indiana, Illinois and Missouri. Nearly two millions have been appropriated, already, and will complete the road only to Zanesville, Ohio, and to repay this amount, it will require the nett proceed of the sales of lands in Ohio, Indiana, Illinois and Missouri, to amount nearly to one hundred millions of dollars, before the fund could repay in conformity to those ridiculous conditions, attached to the appropriations; when therefore can such repayment be made as we find the whole nett proceed of the sales of all the public lands, from the commencement of the government to the present, amounting, but to thirty millions or thereabouts. I therefore take the position, that the United States government, is bound, by the compacts, with the state of Indiana, Illinois, and Missouri to make this road in preference to all other roads, and that the two per cent fund, by these compacts is set apart as a certain portion, only, of the means necessary, to the construction and completion of the road. But again, suppose that

the surplus revenue of the U. States, should not increase, or be diminished, perchance, by the operation of the tariff system, together with the increasing demand for moneys, to construct canals, and other roads which have been surveyed, roads for instance, from here to New Orleans, and from this place to the Northern Lakes, and from Zanesville through Kentucky, to Nashville in Tennessee; will it not be to be apprehended that we may be told, that the compacts between our North Western states, and the United States, have been fulfilled, and more than fulfilled; if my construction of those compacts be not correct; or at least, we will be told, that we have no right, exclusive of other important objects, in the general system of internal improvement, to any appropriation for our road; but, that we must share alike with others, and thereby be delayed in the progress of our road. Add to this, that the subject of graduating and lowering the price of public lands, will soon become a prominent subject, among the deliberations of Congress, and I am confident, that their price will ere long be graduated and reduced; and this measure, must necessarily affect the real and apparent amount, of the two per cent fund.

So far as I am able to discern, the contemplated road from Zanesville, Ohio, to Nashville, will be pressed, and in some measure interfere, with appropriations, as it may regard their amounts, for the future continuation and completion of our great Western road.

We have got through the Tariff bill in the committee of the whole and a few days more, will settle the question in the House of Representatives. To-day or to-morrow, we shall commence with the ayes and noes.

I shall be glad to hear from you, and am with esteem and regard, your friend, &c.

JONATHAN JENNINGS

JENNINGS TO HIS CONSTITUENTS

WASHINGTON, June 28th, 1823

Indiana Journal, July 24, 1823

FELLOW CITIZENS OF THE SECOND CONGRESSIONAL DISTRICT;

I had intended, previous to the close of the late session of Congress, to have addressed you a *Circular*, detailing, particularly, the result of Congressional deliberation upon the sub-

jects most interesting to our state, and of a character more local than otherwise. Before the session closed, however, I was rendered unable, by sickness, to carry that intention into execution.

Among the subjects of interest to which the lively attention of our citizens have been directed, none stand more prominent than that presented by the various interests excited in relation to the public lands. The situation of the debtor of the United States, for lands purchased, has been an object of particular attention.

Provision has been made by law, for those who have not paid for, nor relinquished lands, for which complete payment has not been made, and which lands have not been forfeited and sold; embracing those, likewise, who either could not, or did not, avail themselves of the provisions of the original act of relief, passed in 1820, to relinquish a portion of their lands, or to receive the discount of 37½ per cent. upon cash payments, until the 4th day of July, 1829; in same manner, and to the same extent as was provided by a similar act, which expired on the 4th day of July, last. An act has also passed, by which those who have actually forfeited any one, or more instalments, paid by them to the United States, by reason of not completing the payments upon lands purchased by them respectively, are authorised and entitled, to apply to the Register of the Land Office, of the District in which they made purchase, and obtain a certificate of the amount of such forfeiture; which certificate, for the amount thus certified, will be received in payment for lands, by them purchased, or which they or their assignees may hereafter purchase.

An act has passed authorizing the Legislature of Indiana to sell, with the consent of the inhabitants of the townships or school districts, the lands reserved for the use of schools, and to vest the proceeds of such sales; the interest arising upon such proceeds, to be applied to the support of schools in the particular township or district consenting to such sale. A bill passed the Senate appropriating $50,000 to take off the timber, from the route of the great western road, across the State of Indiana; but at too late a period of the session to its being acted on in the House of Representatives. I have long considered the completion of this road, by the United States, as one only of the considerations presented by the Congress of the United States, to the people of the Territory of Indiana,

as well as to other Territories, now interested new States for their free acceptance or rejection, as equivalent to certain concessions to be made by the people of these territories, now states, by solemn compact, and moreover presented as conditions precedent to their admission into the Union. Twelve years have nearly elapsed since the ratification of this compact with Indiana, and although no particular time is therein mentioned, when the condition in relation to this road shall be fulfilled on the part of the United States, yet in all contracts, reason dictates, that when no particular time is stipulated for fulfillment, on the part of the promissor, that time should be a reasonable one. The payment, however, of the annual interest of the public debt as well as the principal, which is about sixty millions of dollars, is a high and important obligation which the public faith and character of the nation have demanded to the various applications for public moneys to aid in the execution of roads and canals in different parts of the Union, seem to limit the appropriation, for the completion of our western road and afford only the means of its gradual progress westward; and to complete it as far as Zanesville, one hundred and seventy-five thousand dollars were appropriated during our late session.

A bill was reported by the Committee on Public Lands, giving a right of pre-emption, until the 4th day of July, 1829, to those who have relinquished lands to the United States to re-purchase them at one dollar and twenty-five cents per acre; but this bill, together with one to authorize the Legislature of Indiana to sell the lands reserved to the State for the use of salt springs, in conformity to a memorial of the Legislature, as well as many others, were thrown in the back ground, and left among the unfinished business of the session, in consequence of the protracted debates on the Tariff bill, and other subjects exciting more general interest. For those who have relinquished, the only means for their relief is to prevent the sales of those relinquished lands, until an opportunity be afforded for Congress to decide on the subject; and so far as *I* shall be able to effect this object, so important to those who have relinquished, (many of whom have been compelled to do so by necessity, to relinquish improvements to considerable extent with the lands) no exertion, on my part, shall be spared; and on this subject I will see the Secretary of the Treasury and

Commissioner of the General Land Office before I leave the city.

The graduation and reduction of the price of public lands presents an interesting subject, and one which has induced the repeated expression, by memorials and resolutions of the legislature of Indiana, as well as the legislatures of several other states. Until the last session of Congress, the majority of the committee on the public lands have uniformly opposed any report favorable to the object of those memorials and resolutions; and, as one of that committee, I was opposed to making any unfavorable report, which would certainly have had a tendency to place the whole subject in an unfavorable aspect to the consideration of the people of the United States. The subject would, therefore, appear almost as if it had been neglected; but it is proper here to state, that the rules which govern the proceedings in the House of Representatives in some instances, differ greatly from those which control the deliberations of the Senate. In the House of Representatives, no bill can be received for its deliberation if the subject matter to which it refers properly belongs to any standing committee unless the subject be previously referred to such standing committee; and their report whether favorable or unfavorable, will be received by the House and entered upon the list for its after deliberation. Therefore it is, that all bills relative to public lands are reported by some member of the Committee on the Public Lands, and all bills making appropriations for roads or canals, either of lands or money, are reported by some member of the Committee on Roads and Canals. But not so in the Senate of the United States. In that body, any of its members, upon motion and leave, can introduce a bill upon any subject whatever, and have it entered on the order of business, and receives a regular discussion as bills reported by Committees. This difference in the rules of legislation, together with the views and feelings of a majority of the Committee on the Public Lands, prior to the last session prevented any favorable report from being made on the various memorials relative to the reduction of the price of the lands.

During the last session, however, the Committee, after considerable delay and deliberation, agreed, by a majority only, to report a bill, the details of which, I have no doubt, will be quite satisfactory to the citizens of Indiana and other states.

Before this bill could come before the House in order, on the roll or list of business, the bill in the Senate on the same subject, reported by Senator Benton, and greatly similar in its provisions to the bill reported by the Land Committee in the House was acted on finally by that body, and rejected.

The truth is that our lands constitute almost the entire mass of our solid capital, by which the great body of our labor and enterprize are kept in active and useful employment. But this landed capital has, within a few years, been depreciated not less than one half in value to its owner; not because it is less productive, but because the product of the soil, after deducting the unavoidable waste and wear by time, does not yield one half the nett profit in money, that the same product had done a few years ago. This land, then, and especially that portion of it which has long remained unsold, is no longer that desirable property that it was considered to be a few years since. It no longer presents that strong inducement to emigrate to our state, except where purchases have been recently made of the natives, and the best selections for a time are to be made; and in proportion as our increase of population is to be affected by this state of things in the same proportion must the increase and welfare of our State by immigration be injuriously affected. Our interests demand a well timed, a regular and prudent perseverance, to be concentrated for the purpose of effecting this object of so much interest.

Since I have first formed an opinion on two very important subjects, I have entertained but one sentiment, first, with regard to the power of Congress to appropriate money, and to direct its manner of application to the making of roads and constructing canals, and that opinion is decidedly in favor of the exercise of the power. The abstract question has been often decided by large majorities in both Houses of Congress, and must be considered as finally settled; although diversity of opinion has and may again arise, sometimes in one House, and again in the other, upon incidental questions. The other subject to which I have referred, relates to the power of Congress to regulate commerce, by imposing duties on articles of foreign growth or manufacture, imported into the United States, to any extent that Congress may deem proper. It is not my intention to go into detail on this question. The exercise of this power, however, to impose duties on articles of foreign importation, is entirely of a municipal character; and

unless voluntarily limited or restricted by treaty, it is a power inherent, countenanced and sustained by national law, in every sovereign government. It would, therefore, to me, seem unaccountably strange, if the wise framers of our constitution, with the full knowledge of public law and of the fact of the exercise of this power unrestrained and unlimited by other governments, except by motives of public policy, should have intended so to have framed that instrument, as to place the United States government, in relation to a power so highly important, on unequal and disadvantageous ground with all other governments.

I am decidedly in favor of protecting domestic industry and domestic manufactures, in every part of the Union, so far as it can be done, without requiring premature and too great sacrifices of one section of our country to the present advantages of any other. Manufactures do not exist, but to a very limited extent, where there is a great deficiency of active monied capital, or a scattered population. As a nation, we are but a family for social purposes; and as such each member of it should equally, as near as may be, share in its prosperity, or in like manner, bear the untoward effects of adversity and depression. The whole subject, however, is one of deep interest, requiring such reflection and research, in order to apply the power, (which but a small portion, at present, of either House of Congress, deny being granted to the General Government,) to the greatest and best advantage of the nation. The vast extent of the limits of the United States presents a great variety of climate, and of the productions of the soil; which, at least for a time, will affect differently, the different sections of the Union, whenever any material changes are produced upon the commerce of the country. This is not intended to furnish any argument against changing or increasing our rates of duties on foreign importations, at any time; but to show, that no portion of the United States should ask of any other to make sacrifices, either temporary or permanent, that they themselves would not make in return, under like circumstances.

As your representative, fellow-citizens, on all matters of public policy and expediency, I hold public opinion, when expressed, or fairly and clearly understood, to be my guide. If the people should err, it is no reason why power should be taken from their hands, though it may furnish strong argu-

ment to the adoption of measures, calculated to further inform the whole mass of our citizens. It is in the hands of the people, and in their hands only, that the sovereign power of any free government can exist. To the virtue of the people, and their disinterested councils, will I look, as the great safeguard for the future happiness and safety of our beloved country.

In relation to the next Presidential election, as your representative I have avoided any participation in the political excitement, which but too often obtains existence and influence in deliberative assemblies. Whether in social or in public councils, forbearance and moderation will more likely produce wise and wholesome results than those which are mingled with the angry passions of the human heart. From the elections of our county officers to the deliberations of the councils of the nation, therefore, calmness and deliberation can produce no bad consequences; while an opposite course may produce effects, not to be foreseen, nor at all times easily remedied. The general measures of the present administration I have approved; and, as under a former administration of the Executive government, it has been my purpose, also, under the present, as it would be my course under a succeeding administration, if a change should take place, and I should be continued as your representative, to support the measures proposed whenever I could do so, consistently with the important trust committed to my charge. The Executive represents the people in their executive capacity, and Congress represents the people in their legislative capacity. Each should discharge their relative duties, as forming separate depositories of almost separate powers under the Constitution; so that neither improperly bias or embarrass the constitutional rights or the proper discharge of the relative duties of either.

In again being a candidate, I promise not to effect any particular measure or measures; but as I have heretofore, I pledge you all my exertions to promote your best interests; and in again soliciting your support, I am in part influenced to continue in Congress for a time, on account of the pending and unsettled question in relation to the public lands. It is a subject with which I am measurably familiar, and may render you as much service as another, whom you have the power to select. I have endeavored faithfully and honestly to discharge every trust committed to my charge; yet I am hardly to ex-

pect, from past circumstances, that whether absent from, or among my fellow-citizens, especially at and near election time, if a candidate, I am to be left unassailed. This, however is not to be objected to, when it is not licentious or degraded by personal malignity. Although my health will enable me in a short time, to set off westward, the excessive heat, the length of the journey, and my yet limited strength, will render my travel tedious and deprive me, therefore, of visiting but a very small portion of the district, as well as the means of answering for myself, the allegations which may be used against my election. But I trust my fellow-citizens and friends will properly appreciate the circumstances, and not permit them to operate to my disadvantage with injustice.

As a qualified voter and citizen of Indiana, I shall claim to be permitted to exercise my individual right, unbiassed and uncontrolled to the same extent with every other citizen; and at the proper time, in reference to the great contest for the Presidency, as I have on other occasions, I trust I shall with as much integrity of heart, and having as much the public good in view as my neighbors, discharge my duty to my country and to myself.

With great respect and esteem,

I am your obedient servant,

JONATHAN JENNINGS

RATLIFF BOON.

Ratliff Boon

Biographical Sketch

Ratliff Boon was born January 18, 1781. The place of his birth is unknown. Lanman in his *Biographical Annals* says he was born in Franklin county, North Carolina. David N. Boon, a grandson, in a letter to W. W. Woollen says he was born in Georgia. Will Fortune, who was well acquainted with the traditions in Boon's old home gives his birthplace as Georgia in his *Warrick and its Prominent People, 1881, p. 71.* The latter tradition is supported by the *Warrick county Atlas* of 1880. From his birthplace he came with his parents to Warren county, Kentucky. At Danville, Kentucky, he learned the gunmaking business. He married Deliah Anderson, a daughter of Baily Anderson, and with his father-in-law came to Indiana in 1807, or 1809, the date is not definitely known. He bought land about two miles west of the present city of Boonville which was named for him when, in 1818, it was made the county seat. Before that time it had been the village of Settee-Down, a Delaware Indian chief who lived there till about 1811.

Boon was financially interested in Darlington, the county seat of old Warrick county. In 1817 it was decided among the leading men of the county to divide it, and accordingly Vanderburgh county was created out of the western part with its county seat at Evansville to suit Hugh McGary and Gen. Robert M. Evans; the eastern part was erected into Spencer county with its county seat at Hanging Rock (Rockport) to suit Judge Daniel Grass; and the central part remained Warrick county with its county seat at Boonville to suit Boon. Thus all the financial and political rivals were satisfied.

Boon was a typical pioneer. He had no education but was a man of strong common sense. On his farm three miles west of Boonville he lived till about 1836 rearing a family of five boys and five girls. About 1836 he moved to Boonville and in

1839 to Louisiana, Pike county, Missouri where he died November 20, 1844.

Governor Boon was primarily a politician and office holder. When Warrick county was organized in 1813 he became county treasurer. In 1816 he became his county's first representative, serving in the First and Second Assemblies. In the Third Assembly he was a senator. Before his term as senator expired he was elected lieutenant governor, serving from 1819 to 1825. Before his second term as lieutenant governor expired he had been elected to the Nineteenth congress where he served from 1825 to 1839 except for one term. In 1827 he was defeated by Thomas H. Blake by 84 votes. In 1836 he was a candidate for United States senator but was defeated by O. H. Smith. In 1844 he was defeated for congress in Missouri by Col. Thomas H. Benton. In Indiana he helped organize the Jacksonian Democratic party and during his official career was its outspoken champion. There is little to be said of his career in politics. He was entirely outclassed in congress, so far as ability was concerned. While not officially occupied he worked on his farm and kept up his political fences. He stood stoutly for the rights of the common people even against the eloquence of Clay or Calhoun. He was of the Lincoln type without, of course, the ability of Lincoln.

Governor Jennings resigned September 12, 1822 and was succeeded by Boon, who was acting governor till the inauguration of William Hendricks, December 5, 1822.

Annual Message

December 3, 1822

Senate Journal, 1822, pp. 10-14
Western Sun, December 14, 1822

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES:[1]

In meeting you on the present occasion, it is pleasing to announce that no untoward event has transpired connected with

1. The members of the Assembly of 1822 were:

REPRESENTATIVES

COUNTY	NAME
Knox	General W. Johnston and Benjamin V. Beckes
Daviess and Martin	William H. Rout
Vigo	Lucius H. Scott

the interests of the state within the period for which it has been necessary for me to attend to the executive trust and duties. Under this view of the subject, and the expectation of your receiving a communication in detail from my successor in office, whose constitutional period will commence on the third day of the present session of the General Assembly, I

Jefferson	Milton Stapp and Nathanial Hunt
Jennings	William A. Bullock
Clark	William G. Armstrong and Isaac Howk
Floyd	Alexander S. Burnett
Washington	Noah Wright and Ezra Childs
Jackson	William Marshall
Scott	William D. Clark
Orange	Jacob Molder and John G. Clendenin
Lawrence	Joseph Glover
Monroe	Joshua H. Lucas
Harrison	Dennis Pennington and Peter Mauk
Crawford	Henry Green
Posey	William Casey
Spencer, Perry and Dubois	John Daniel
From the county of Vanderburg and so much of Warrick county as is included in Luce township	Joseph Lane
Switzerland	John Dumont and Linus Scoville
Ripley	Joseph Bently
Dearborn	Ezekiel Jackson, Pinkney James and Horace Bassett
Wayne	Robert Hill, Isaac Julian and John Jordan
Franklin	John E. Bush and William M'Cleery
Union	Sylvanus Everts
Fayette	Oliver H. Smith
Randolph	John Wright
Sullivan	Henry D. Palmer
Bartholomew	Charles De Pauw
Greene, Owen and Morgan	Eli Dixon, (after contest)

H-J-1822-31-32

SENATE

COUNTY	NAME
Wayne and Randolph	Patrick Baird
Jefferson and Jennings	Brook Bennett
Gibson and Pike	Richard Daniel
Jackson, Scott, and Bartholomew	William Graham
Vanderburg, Warrick and Posey	Elisha Harrison
Harrison and Crawford	James B. Slaughter
Knox, Martin and Daviess	Frederick Sholtz
Clark and Floyd	John H. Thompson
Orange, Lawrence and Monroe	Samuel Chambers
Sullivan, Vigo, Green, Owen, Parke and Putnam	John Jenckes
Dearborn	John Gray
Fayette and Union	Lewis Johnson
Spencer, Perry, Dubois and part of Warrick	Daniel Grass
Franklin	James B. Ray
Switzerland and Ripley	George Craig
Washington	Marston G. Clark

S-J-1822-3-4

have declined embracing in my communication various subjects which may be necessary to claim the attention of the present legislature, on which in my conception it will be the province of my successor in office to communicate for your consideration.

The melancholy effect [*sickness*] which the peculiarity of the present season has produced to many of our fellow citizens, as well as to those of our sister states in the Union, is a subject of deep regret; yet we have reason to send forth our gratitude to the Omnipotent disposer of events, that the close of another year has not returned without the usual bountiful supplies of the necessaries of life for the consumption of the citizens of our own state and a large surplus of produce for exportation to foreign markets; which, if annually managed by those of our own state with economy and enterprize, with a gentle forbearance on the part of our fellow citizens, one toward another, will be the only sure foundation on which to rely for relief from the present embarrassed situation of the country, and which is so generally experienced by almost every description of our citizens.

Ways and means for the support of government should occupy the early attention of the legislature, as they are the only proper tribunal to determine what shall be the proper subjects and manner of taxation. Subjects of the most general interest to the state are too often omitted until the latter part of the session of the legislature; and consequently produces, in the close of a hurried session, various defects in many of our statutory provisions.

It is believed that the present method of assessing and collecting the revenue is not sufficiently certain in its provisions to secure the support of the public credit. The assessment of taxes should annually be made at an earlier period; which would afford more time for collection, and render the payments into the treasury more certain, and less burthensome to the people. The appointment of a lister in each township, in the several counties, with an exemption from certain other public duties, as a compensation for their services as listers, it is believed would annually secure to the treasury a more full and complete an amount of revenue, and render the assessment less burthensome to the counties. The numerous

amendatory acts relative to the assessment and collection of the revenue renders it difficult for the listers and collectors to discharge their respective duties with that certainty which the importance of the measure requires.

The law which requires the governor for the time being to issue writs of election when the seats of any representative to congress or any senator or representative of this state shall become vacant, is so indefinite in its character as to require additional legislative interposition.[2] The law makes no provision, what shall be considered a vacancy, where the person elect has not been qualified into office, and declared to be duly elected, and more particularly where a cause of contest has been served, and no decision had thereon.

The act to provide for the election of county and township officers makes it the duty of the governor, when he shall receive the resignation of certain officers therein named, to notify the sheriff of the proper county, or person acting as sheriff, in order that the vacancy may be filled; but makes no provision in case of a vacancy in the office of sheriff, or coroner, at the same time, how any of the aforesaid offices are to be filled.

The constitution provides that contested elections for governor and lieutenant governor, shall be regulated and conducted in such manner as shall be prescribed by law. Although no cause of contest has arisen since the commencement of the state government, yet the necessity of a law on that subject is respectfully recommended to your consideration.

The law which makes it the duty of the clerks of the circuit courts to forward certificates of election of governor, lieutenant governor, and representatives to congress, affixes no penalty on those officers of the courts, in case of a failure to perform that duty.

The law passed at the last session of the legislature, which authorizes called courts for the trial of criminal prosecutions, has made no provision for counsel on the part of the state, where there shall be no prosecuting attorney resident in the county where the offence shall have been committed.

Judgment has been obtained against the corporation of the

2. See *Laws of Indiana, 1828, Chapter XII.*

bank of Vincennes, and commissioners have been appointed to receive the effects of the bank agreeably to the provisions of an act of the last legislature; two of which commissioners have refused to accept of their appointments, which, together with the circumstance of the effects of the bank having been removed from Vincennes, has prevented a further prosecution of the subject.

How far the provisions of an act of the last session of the legislature has been or will be complied with, relative to a revision of the statute laws of this state, which is so essentially necessary to the furtherance of public justice, is a subject submitted for early consideration.[3]

Many of the counties have not a sufficient number of the acts passed at the different sessions of the legislature, since the commencement of the state government, to enable those officers, for whose use and information they were intended, to enter with certainty upon the discharge of their relative duties; and more particularly those new counties, within that portion of the state commonly called the New Purchase, and for which counties there has been no provision made by law for the distribution of any number of the acts of 1821.

The right of representation, and taxation, within the state, under existing circumstances, presents a subject of the utmost importance and interest to many of our fellow citizens; to which I invite your particular attention. Since the last ap-

3. THE HON. RATLIFF BOON,
President of the Senate

SALEM, Indiana, December 2, 1822

SIR:

The resolution of January last (see following) was not communicated to me until after the adjournment of the General Assembly. At that time I was suffering from a rheumatic affection, with which I am still severely afflicted. For the last twelve or fifteen months, I have been able to attend to very little business, and from the manner in which my hands are affected, I am apprehensive that I shall shortly lose the use of the pen altogether. With a view to a revision of the laws agreeably to an act of the 17th December last, were it desirable or convenient, the allowance authorized would not justify the employment of an amanuensis. The revision therefore, has not been commenced and I embrace the earliest opportunity that has occurred, of declining the appointment for that purpose.

I have the honor to be, very respectfully, Sir, your obedient servant,

B. PARKE

Resolved by the General Assembly of the State of Indiana, That the Honorable Benjamin Parke be notified of his election to revise the laws of this state, and that the Secretary of State be requested to transmit to him a copy of the act entitled "an act to establish a permanent system of statute laws" passed this session.

Laws of Ind. 1821 p. 177

Approved Jan. 3, 1822.

pointment [apportionment] for senators and representatives to the General Assembly of this state, several new counties have been formed and organized in that portion of the state which were not included within the original counties; in consequence of which, from the existing law, will be entitled to no representation in the General Assembly, until the year 1826. The fourth section of the first article of the constitution declares that elections shall be free and equal; and the same article, and seventh section, provides that no man's particular services shall be demanded, or property taken and applied to public use, without the consent of his representatives, or without a just compensation being made therefor.

Two several communications have been made, and forwarded to the governor of the state of Illinois, pursuant to an act of the last session of the General Assembly of this state, relative to the navigation of the Wabash river, both of which were accompanied with a certified copy of the act relative thereto.

Sundry communications have been received from the governors of other states accompanied with various resolutions of the legislatures of their respective states, among which is one from the governor of Kentucky, soliciting the appointment of one or more commissioners on the part of the states of Ohio, Indiana, and Illinois, to negociate with such commissioner or commissioners as may be appointed on the part of the state of Kentucky, on the subject of the difficulties existing between those states with regard to the manner of reclaiming fugitives from labour which have fled into any of those non-slave-holding states. It is conceived to be a duty which we owe to our sister states in the union, to guard against every circumstance which would be calculated in the least to affect that social intercourse which is so essential to the peace and harmony due from one state towards another.

The present militia law makes no provision how elections for officers are to be determined, where two or more are highest and equal in number of votes. Difficulties have already presented themselves with regard to the election of general officers, which will be a subject for your consideration.

An agent [B. F. Morris] for the state at Indianapolis has been appointed and commissioned to supply the vacancy occa-

sioned by the resignation of General John Carr, whose appointment will expire at the end of the present session of the General Assembly.

With an entire confidence in your superior wisdom, those subjects are submitted for your consideration, with the assurance that it will afford me much pleasure to unite with you in the support of any measure calculated to promote the best interests of the State, and the happiness of its citizens.

RATLIFF BOON

William Hendricks

Biographical Note

William Hendricks was born at Ligonier, Westmoreland county, Pennsylvania, November 12, 1782. He received his education in the common schools at Cannonsburg, having as a classmate Dr. Andrew Wylie, who later became president of Indiana University.

When he reached manhood, Hendricks left Pennsylvania for Cincinnati, where he stayed a year or two, teaching school and studying law. After being admitted to the bar, he came, in 1813, to Madison, Jefferson county, which remained his home until his death.

Indiana was at that time still a territory, and to the territorial General Assembly which met at Corydon, November 1, 1813, Hendricks was elected to represent Jefferson county, in place of William McFarland, who had resigned. He was also territorial printer for this, the second session of the Fourth General Assembly, printing the acts of the Assembly at the office of the *Western Eagle* at Lexington. He represented his county in the special session of June 1, 1814, and again in the first session of the Fifth Assembly, August 15, 1814, to September 10, 1814, when he was elected Speaker. At the second session of the Fifth Assembly he served as clerk of the House, an office he had also held at the first session of the Fourth Assembly.

When the Constitutional convention met at Corydon, June 10, 1816, Hendricks attended, although he was not a delegate, and was elected secretary of the convention.

August 5 of the same year, at the last election held under the territorial government, Hendricks was elected to congress, defeating Allen Thom. At this time Indiana was entitled to only one representative in congress. December 2, 1816, he qualified and took his seat in the second session of the Fourteenth congress.

On February 12, 1817, when the Senate and House met to count the electoral votes, the question arose as to whether the votes of Indiana should be counted. Hendricks made a plea for his state. He argued that the only question for congress to decide was whether the state had a constitution that was republican. He said the same authority which gave him the right to vote in the House gave Indiana also a right to vote for president and vice-president. The House did not come to any conclusion, so the votes were counted.

Hendricks was elected to congress again August 4, 1817, over Thomas Posey, who had been territorial governor from 1812 to 1816. Indiana had just passed a law incorporating a company with a capital of $1,000,000, for the purpose of making a canal around the falls of the Ohio river, at Jeffersonville. In his speech at the time he presented the resolution, Hendricks showed the importance of this canal to the states of Kentucky, Virginia, Pennsylvania, Ohio, and Indiana, as well as to all the western country. The Falls were the only obstacle to the navigation of the Ohio; the removal of this obstacle would have a great bearing on the commerce and prosperity of the west. It was also important from a national point of view, as military stores for the west must pass down the Ohio. At this time Hendricks mentioned the need of a military road from the Falls to the south head of Lake Michigan, this road to be used for transporting military stores and supplies to Chicago, Fort Gratiot (at the outlet of Lake Huron), and other posts west as far as the Mississippi.

Hendricks was re-elected to Congress, August 3, 1818, over Reuben W. Nelson; and again, August 7, 1820, he defeated the same opponent.

Hendricks was censured for his attitude in opposing the admission of Missouri. February 17, 1821, a meeting was held at Montgomeryville, Indiana, in which James Noble, who was in the Senate, and Hendricks, in the House, were severely denounced for their opposition to admission without restriction. The Indiana legislature, by a vote of 22 to 5, on the other hand, passed censure on Senator Waller Taylor for voting against restriction, and requested its senators and representatives to procure the passage of a law by congress authorizing the people of the Territory of Missouri to revise

their constitution so as to provide that no more slaves be admitted, and that they make no restriction on the right of free persons to settle and reside in their territory.

In 1822, Hendricks ran for governor without opposition receiving at the August election 18,340 votes, nearly all that were cast, while Ratliff Boon was elected lieutenant governor. Hendricks resigned from congress, and Jonathan Jennings was elected to succeed him. December 5, 1822, Hendricks entered on his duties as governor.

During the time Hendricks was governor, the capital was changed from Corydon to Indianapolis. The same winter he was elected to the United States senate, the election taking place January 12, 1825. On the first ballot Isaac Blackford received 26 votes, Hendricks 25, and Jonathan Jennings 10, scattering 1; on the fourth ballot Hendricks was elected by a vote of 32 to Blackford's 30. On February 12, 1825, Hendricks resigned as governor to become United States senator. There was no lieutenant governor to succeed him, as Ratliff Boon had previously resigned. James B. Ray, president pro tem. of the state senate, became acting governor, serving until December 25, the close of the term.

Hendricks was elected to a second term in the United States senate by the state legislature December 18, 1830. On the first ballot he received 31 votes, Ratliff Boon 26, John Law 12, Charles Dewey 9, scattering 4; on the fourth ballot Hendricks was elected, receiving 44, Boon 26, Law 9, Dewey 3.

On entering the senate, in 1825, Hendricks was placed on the committee on roads and canals, on which committee he served during his twelve years in the senate, acting as chairman from 1830 to 1837. He was a firm believer in internal improvements, and favored the building of roads and canals in all parts of the country. On this committee he did some very good work for the west and for his own state.

In the controversy between Jackson and congress on the subject of the National bank, in 1835, Hendricks expressed himself in favor of a national bank as a currency regulator. He preferred a United States bank located in Washington, as this would do away with constitutional difficulties. The bonus he thought should be distributed among the states in proportion to their population. The bank should locate branches in the states only by permission of the state leg-

islatures, and states should be prohibited from taxing the banks.

Hendricks's retirement from public life came in 1837, as a result of the overthrow of the Jacksonian party in Indiana by the Harrison-Whig upheaval of 1836.

Hendricks's family was one of the most prominent in the history of Indiana. His eldest son, John Abram, was a captain in the Mexican war, and lieutenant-colonel in the Civil war, being killed at the battle of Pea Ridge. Another son, Thomas, was also killed in this war. A brother and a nephew served in the state senate. Thomas A. Hendricks, governor of Indiana, United States senator, and vice-president of the United States, was a nephew.

Senator Hendricks died at his farm in Jefferson county, Indiana, May 16, 1850. He had been in feeble health the greater part of the winter and spring, but had recovered enough to attend to his usual business. On the afternoon of May 16, he had attended a session of the city council, and then went to his farm, where he died of heart disease. He was buried in a vault at Springdale cemetery, Madison, Indiana.

Little justice has been done to the statesmanship of Governor Hendricks as shown during his long service in congress. He was a representative during the exciting struggle over the admission of Missouri. In the senate he took an honorable part in the debate on the land question which culminated in the Webster-Haynes debate. On the land question he was an outspoken champion of the west against the narrow, selfish policy of the old south and east. He was a more consistent advocate of internal improvements than Clay. During the long struggle between Jackson and the senate he conducted himself with dignity and honor. In order that the reader who may be interested may have access to the evidence a number of his political speeches and circulars are given immediately below.

LETTERS FROM HENDRICKS TO TIPTON

WASHINGTON CITY 28th Dec. 1816

Tipton Mss. in Indiana State Library

DEAR SIR

Of the news which I could detail no part would [be] more than ordinarily important Much business has been on the carpet but little as yet perfectly matured.

To military men that which is most interesting is a reorganisation of the Militia of the U. S. which is likely to take place This the President in his message has recommended and accordingly A committee has been appd on the subject of which Genl Harrison is chairman A bill has been reported by Col [R. M.] Johnson for the organisation of an Invalid corps to be composed [of] wounded & superannuated officers & soldiers to be employed in Garrison duty Also a bill establishing three additional military academies one of Which is contemplated to be located at or near New-port, Ky I should like to hear from [you at] your leisure if agreeable[1]

Yours Sir Sincerely

WILLIAM HENDRICKS

HOUSE OF REPS 21st Dec. 1818

DEAR SIR

I have recd your letter—have had a conversation with Genl. [Zachary] Taylor—will cheerfully cooperate with him in your views He will make out a letter recommendatory in which I will join[2]

We are being engaged in the Subject of the unfinished business of last Session

Our bank committee have not yet returned from Phia They are daily expected

Excuse haste

Yours very respectfully

WILLIAM HENDRICKS

Genl TIPTON

1. These letters, furnished from the State Library, are given as a part of Hendricks' biography. They give some light on the politics of the period and give a few personal traits of the man worth preserving.

2. This may refer to the position of Indian agent at Fort Wayne, to which he was appointed by Monroe Dec. 19, 1823.

MADISON April 21 1827

DEAR SIR

I have recd an hour ago the letter of Gov. [Lewis] Cass directed to Gov. Ray [of Indiana] & the delegation in congress from this state The arrangement is a little different from that [expected]? when I had the pleasure of seeing you It is one however with which Mr K[erchival] informs me you are entirely satisfied I have in reply suggested to Gov. Cass that you wd probably incline to name to him persons suitable to be employed to furnish the $10,000 annuities &c [I] expressed to him a wish that you should do so & ventured to approve of any thing you might in that way do I had reference in part at least to our conversation about our mutual friend [James] Gregory In an individual letter Gov. Cass [assures?] me that provision shall be made for Gregory but says "the *mode* can only be determined on Mr Kerchevals return" Mr K. informs me that you & himself had talked over what passed between you & myself about Gregory furnishing part of the goods & said that perhaps other employment might be more agreeable and profitable to the Col. I have written to Gov. Cass that Gregory had in all probability recently seen you & that I wd write to you requesting you to advise with him as to the "Mode" I have renewed my Solicitudes in his behalf to Cass (which was perhaps unnecessary) Will you take upon yourself with Gov. Cass to make the best arrangements as to "mode" you can. I wish you had written me by Mr K but presume you had nothing to communicate. Just returned from the court at Salem Nothing new. Mr [Jonathan] Jennings was not there Learned he wd probably be at Supreme ct

Yours Sincerely

WILLIAM HENDRICKS

Genl TIPTON

WASHINGTON CITY Jan 17, 1829

DEAR SIR

Some time ago I wrote you my fear that some difficulty might possibly attend your accts [as Indian agent] before compt- Cutts[3] owing to some naval decisions McKinney[4] told

3. Richard Cutts was superintendent-general of military supplies during the War of 1812 and March 6, 1817 was appointed second comtroller of the treasury.

4. Thomas L. McKinney, of Georgetown, D. C., superintendent of the Indian trade, appointed April 18, 1818.

me he had recently made in Crowells[5] accts I told Gov. Cass of it He has looked after it more efficiently no doubt than I could have done and told me last evening there will be no difficulty. Some 8 or 10 days ago Col McKinney dropped me a note telling me that [new charges had been] exhibited against you and to call and see them This I did They are contained in a letter from somebody I think in Clinton [or] Vermillion Co. charging you with paying 5 franc pieces for dollars to the Indians and giving two merchants in Terre Haute exorbitant percentage on goods delivered to the Indians and giving the names of witnesses &c. The Secy of War had written in pencil on the letter that the thing must be enquired into & McK said it wd be best to appoint Some agent here to examine witnesses on oath &c. Mentioning this as the best for yourself, as being the way most likely to put a stop to the frequent charges your enemies have made on you here. I replied as Genl Homer Johnston had told me that you would be here before the close of the session to which he rejoined the [manuscript illegible] then rest till he comes. But Gov. Cass telling me last evening that you had written him & was not coming on, I went to day to McKs office to tell him that part & to get for you a copy of the charges. This however being the day of the Military funeral of Col Roberdieu nobody was to be found I will get for you if I can a copy Write me on receiving this. I shall probably be here till about the 10th March, the Senate being summoned to meet the 4 of that month

Yours Sincerely

WILLIAM HENDRICKS

Genl TIPTON

SENATE CHAMBER 21. April 1830

DEAR SIR

By the enclosed letter to Messrs Trotter and Ewing of Cincinnati written by the Treasurer U. S. you will see that it is probable as I have advised you heretofore that the draft intended [to] meet you at Cincinnati has been forwarded [to] Logansport. I took much pains to have the warrant put into my hand for e[n]velope to you and the third day I had been at the office about it every thing was done but the Registers

5. Col. John Crowell of Alabama was agent for the Creeks, appointed Feb. 20, 1821.

or Treasurers Signature Business in the Senate prevented my waiting and was promised by Mr Smith a clerk that as soon as the signature was procured it should be sent to me but instead of that it was [manuscript mutilated] P. O. directed to you at Logansport. [Manuscript mutilated] have recd it long ere this.

Your son [Spier Spencer Tipton] is not appd to West Point but [I have] the positive assertion of the Secretary of War that he shall be next year and if you let him spend this year at Bloomington it will be the best arrangement for him Cumberland road appropriation and that for the mail road between Louisville & St Louis, that for an Indian treaty in Indiana, the Land and several other measures of less importance to Indiana have all passed the Senate and are before the House

Yours Sincerely

WILLIAM HENDRICKS

Genl TIPTON

SENATE CHAMBER Jan 24, 1831

DEAR SIR

I have recd yours of 12 pres mo with your letter to Mr Hayward covering the deeds and will go up to Mr Hs in the morning in company with Dr [Israel T.] Canby on the subject.

[Abel] Pepper left this on Saturday the 22. The bills in which you are interested were through both houses some days before he left there No reduction of the army at all probable

Yours Sincerely

WILLIAM HENDRICKS

Genl TIPTON

MADISON 27 Oct. 1831

DEAR SIR

I recd yours of the 12 pres. mo. about 4 days ago but owing to a severe rheumatic affliction have not answd it till now. Since my return from Bloomington College the 2nd of this month I have not been out of my gate. Am however now fast on the mend And expect to leave home on the 10 or 12 next month eastwardly.

Grovers[7] letter recd early this month apprised me of the subject on which you write, your candidacy for the Senate

7. Jeremiah Grover was a representative from Union county in the Sixteenth Assembly.

You have nothing to fear from me. If you can unite the Jackson party you must Succeed becoming in that event too the Wabash candidate for you have so many of the other party under strong personal obligation to you. [Walter] Wilson, [Calvin] Fletcher & many others. I saw [Jesse] Holman at the Supreme court in May & have recd the letters of other candidates but have not interfered You write me confidential. I write you this *confidential*

Yours with much respect

WILLIAM HENDRICKS

Genl TIPTON

GREENSBURGH Aug. 13. 1832

DEAR SIR

William McClure leaves Madison on Monday next for Logansport & but for this opportunity wd ere now have mailed you some money By him I will send it. He expects to commence the business of vaccinating the Indians.

The election results you will soon hear In Jefferson [James K.] Cravens 1163. [Nathan B.] Palmer 1088. Maxwell 1082. The two first are of course elected Switzerland Judge [William] Bradly Dearborn Geo H. Dunn, [David V.] Culley & Haines Franklin Reed & [John] Roop Dacatur [William] Fowler Ripley [William] Skeen Bartholomew Reddick Johnson [Joab] Woodruffe Shelby [Rezin] Davis Marion [Robert] Hanna. [David] Hillis is elected to the Senate over [Williamson] Dunn.

I wish to be at the treaty and hope you will not forget to tell me when &c. Tho. Hendricks wishes also to be there and wd like to furnish some Indian goods. He will probably write you and Genl [Maxwell?] about it You can advise him.

Yours Sincerely

WILLIAM HENDRICKS

Gen TIPTON

WASHINGTON, March 7, 1834

His Excellency ANDREW JACKSON, *Prest U. S. A.*

SIR

In the event of any vacancy occurring in the office of Superintendent of Either Division of the Cumberland road in

Indiana, from any cause whatever, we, the undersigned would respectfully recommend the appointment of Alexander F. Morrison, as one qualified, and deserving the situation

GEO. L. KINNARD [Cong. from 6th Dist.]
JOHN CARR [Cong from 3d Dist.]
WILLIAM HENDRICKS [Senator]
but do not recommend any removal.
AMOS LANE [Cong. from 4th Dist.]
E. A. HANNEGAN [Cong. from 7th Dist.]
RATLIFF BOON [Cong. from 1st Dist.]

MADISON 8 Oct. 1836

DEAR SIR

Wishing to hear from you more definitely than [Robbert] Hillis was able to tell me, your opinion of my prospects in the north let me ask of you a line on the subject. Mr West of Indianapolis tells me that no one can do as much with [John] Burke as you. What says [George H.] Crawford [John] Jackson [Joel] Long & [John] Beard. From [Gustavus A.] Everts Ben McCarty and Dr. Maxen I have heard satisfactory accounts. Do you know any thing of [Robert] Newell, or the Tippecanoe or Carroll folks. My tour in the South, West and Centre was very satisfactory to myself. I may be mistaken, but unless I am so in a great degree [Noah] Noble has but little of the strength imputed to him I now think there will be no V.[an] B.[uren] man started and that the party will very generally unite on me. There is one vote in the South that an explicit letter from you will determine in my favor that of [Geo. H.] Proffit. Please write him I know it will tell.

I leave home on tuesday next and will be at Indianapolis about the 20 or 25th of the present month Write me there. O. H. Smith cannot go it at all.

Yours Sincerely

WILLIAM HENDRICKS

Genl TIPTON

MADISON 10 Jan. 1837

DEAR SIR

I recd in due time on my return from Indianapolis 2 weeks ago your letter to Mr [Edward] Hannegan, to which I underwrote my approbation and forwarded it to Laporte.

I was a looker on at the peoples Metropolis about 3 weeks. did not write you believing you would have all the current news from others. I enclosed you however one of my first handbills, which was feebly replied to by [Jeremiah] Sullivan and [John] Sering to whom I gave the enclosed reply: and however enduring or evanescent may be the effect of their persecutions of me, I have the pleasure to believe and I think to know that I have put my enemies down in public opinion, here at Indianapolis, and every where else that I have heard from. I have recd several documents from you and [Senator O. H.] Smith for which I am much your debtors and hope that you will continue to remember me in this way Give my affectionate respects to Lafayette and thank him for me for the docs he has sent me under your frank and Mr Smiths

Yours Sincerely

WILLIAM HENDRICKS

Genl TIPTON

P. S. My children are around me (5 Sons) the two oldest reading latin; the 3rd writing names on a slate and the two youngest gamboling around the hearth it being quite a cold winters evening. My daughter is at Lt. Gov. [David] Hillis with Miss Hillis who is to be married tomorrow evening, where I expect to be present. The Judge is at home for the occasion but returns to Indianapolis next week.

W. H.

MADISON June 14. 1837

DEAR SIR

The Office of Marshal will probably soon be vacant And I am requested in behalf of the Hon. Jesse D. Bright of this place to say to you that he is an applicant and would be glad of your support.

You may perhaps not be intimately acquainted with Mr Bright and I therefore add that he is in every respect well qualified & wd in my opinion make an excellent officer and one acceptable to the people.

With much respect

WILLIAM HENDRICKS

Genl TIPTON

LETTERS FROM HENDRICKS TO NOAH NOBLE

MADISON July 22. 1828

DEAR SIR

I recd yours on the eve of starting to the Scott court and have but a moment to reply at present. The Govs elecn is here in confusion [Gov. James B.] Rays handbill so recently here that I cannot say whether it will satisfy or not. It will not reinstate him The Handy letter has done him immense injury The people however said let us hear what he has to say

In reply to your queries I believe [Harbin] Moore to be a man of strict honor and integrity not by any means an intriguing politician, think him my own personal friend, but whether politically so or not do not know. The suggestion that I may have had anything to do with [Dr. I. T.] Canbys becoming a candidate is without the least foundation He was announced in the Salem paper before it was talked of here. He communicates nothing political to me. In the heat of party feeling of which he largely participates I presume he is not my political friend In all other respects we are entirely friendly With Ray I have always been on terms of friendly intercourse in politics as well as every thing else. His Salem letter shows that he wears a mask Canby will not get the votes here as generally as I supposed, indeed he does not appear to be generally taken up at all There is an apathy here The cands will however we understand be here the day of the election & the complexion of Jefferson is that day to be formed.

Yours Sincerely

WILLIAM HENDRICKS

Genl. NOAH NOBLE

Comr Gen. L[and] O[ffice] promised me a letter on your business but it has not yet come.

MADISON July 25. 1828

DEAR SIR

I wrote you some 2 or 3 days ago on my departure for the Lexington court. My adventure there on the news of the day wd not be interesting; heard not much political news Opinions are different about [Dr. I. T.] Canbys being taken up by the Jackson party with any thing like unanimity. He will

probably get a good dividend in Clark & Floyd. [Harbin] Moore I think will get a majority of Scott. It is thought that [Gov. J. B.] Ray will not run as high as either in those counties. Your intimations of a wish to shew some unmerited attentions to me in the event of my visiting Indianapolis you must excuse me for declining and for expressing a hope that nothing of the kind may be attempted You know me and know that no individual values more than I do the good opinions of my friends or receives their kindness with more grateful feeling. But such things produce their like on other occasions often create envy and elicit unpleasant remarks, so that upon the whole though no one can more highly appreciate the friendly spirit of such suggestion I must request of you & my other friends who may have thought of this thing no longer to think of it

[John] Sering and [Zachariah] Tannehill are candidates for the senate here and it is thought S. Will be elected. [David] Hillis, [Nathan B.] Palmer, [Nicholas D.] Grover & Hopkins for the H. Rs. the two former will probably succeed. The opinion is fast gaining ground in Ky that Metcalf must beat Barry If so and his majority shd be large it will give much tone to administration offering both on that state & this N. York is going right.

Yours Sincerely

WILLIAM HENDRICKS

Genl NOAH NOBLE

SENATE CHAMBER 19. Jan. 1829

DEAR SIR

Your letter of the 5 Jan has just reached me. You say that Mr Pleasanton in his letter to Mr [Charles] Dewey speaks of interest &c. You do not say whether it was in the letter I enclosed or not If it was I overlooked it for your letter just now recd gives me the first idea of interest I have had in the case. I do think that is a hard decision if they are competent to make it, to exact interest on an open acct. I will see Mr Graham & doubt not that I can prevail on him to come to a different conclusion. [See following]

Yours very respectfully

WILLIAM HENDRICKS

Genl NOAH NOBLE

SENATE CHAMBER 29. Jan. 1829

DEAR SIR

(Manuscript mutilated) and was told by him that the interest had been charged in the belief that suit had commenced On telling him that was not the case he intimated that there wd be no difficulty in arranging it when I told him that I wd on tomorrow morning call at his office and request his formal decision which I will communicate to you I write today on acct of the suggestion of your brother [Senator James Noble] that you will feel anxious till you hear something on the subject [see preceding]

Yours Sincerely

WILLIAM HENDRICKS

Genl NOAH NOBLE

SENATE CHAMBER Feb. 5. 1829

DEAR SIR

Enclosed I send you a copy of a letter (it may possibly be an original) recently written at my request to Mr [Charles] Dewey

I have within 2 or 3 days recd a letter from Judge [David] Hillis in which he speaks of your conjectures that Genl [Robert] Hanna may possibly be aiding another person to Supplant you [as receiver at the land office]. I think your conjectures in this particular are totally without foundation, the remotest insinuation of the kind has not been given to me. I presume there will be no attempt at you of any description whatever.

With great respect

Yours &c

WILLIAM HENDRICKS

Genl NOAH NOBLE

MADISON 19. Sept. 1834

DEAR SIR

On the rect of your letter I expected to be in Indianapolis in a few days and for that reason did not answer it. I still expect to be there soon but lest I might seem too negligent drop you a line of reply.

In reference to the Miami reservation I believe that the agent [Abel Pepper] has authority to negotiate secretly for it

and have learned that an attempt on the subject will be made this fall probably he has been preparing the minds of the Indians for direct propositions at the payment which is expected to be made to that tribe about the first of next month. Should I come along some of these days on my way there will you go along?

I think with you that it is greatly to be desired that the metal [stone] should be put on such parts of the Cum. road as are prepared for it, before it goes into a state of dilapidation for the want of it. And if "Capt Ogden has full powers" on the subject I should think that in the view of its necessity he wd not hesitate the appropriation is large and will admit of that operation and a continuance of the grading as heretofore That road ought to progress more rapidly towards completion than heretofore

Yours Sincerely

WILLIAM HENDRICKS

GOV. NOBLE

MADISON 14. March 1840

DEAR SIR

I regret not being at home when you was last in Madison to have put you in mind of the promise you made me at Indianapolis to pay for Williamson a contractor between Vernon & Columbus $100 in bank on which I am endorser. Mr [James] Lodge tells me that you named it to him & he believes you intended to do it & forgot it which I dare say was the case

You will probably recollect that I hold the engineers estimate in favor of Sutton, White & Williamson for $805. My understanding was that you wd make the payment on that cert. & endorse it or take my rect. Interest has been accruing for some time and will till it is paid. Let me request of you a line authorizing or instructing Mr Lodge to make the payment. Please drop me a line on the subject by the return mail

Yours with much respect

WILLIAM HENDRICKS

GOV. NOBLE

Compensation Law

January 14, 1817
Annals of Congress

Mr. [William] Hendricks said he was decidedly in favor of a repeal of the law of last session, but he did not think the bill before the committee the best possible substitute.[1] This bill contemplated the repeal of the law of last session, from the time of its passage. That this bill, then, while it speaks the language of repeal, allows the members on this floor to put their hands into the treasury and draw the proportional part of fifteen hundred dollars, which will be coming to them from the commencement of the present congressional year, to the time of the passage of the bill. That there was no repealing clause in the law of last session, and, of course, nothing else was necessary than a bare repeal of the law. The old law, on the subject of compensation, would stand rivived, of course. This simple repeal was what he wished, and with such a retrospective view or operation, as would at least express an opinion of this house, that none of its members shall, or ought to, receive any compensation during this session agreeably to the principles of the law of last session. That this retrospective operation was objected to, but it was admissible, on the principle that congress had a right to fix their own compensation, and, on the ground, that the precedent fixed at last session was in point. The law of last session had a retrospective operation. Mr. Hendricks said that, on the ground of the public sentiment, he had no doubt. That the public sentiment of his district had to him been fully and officially expressed through the medium of the legislature of Indiana; that the senators from the state had been officially instructed, and himself requested, to use their votes and influence, to have that law repealed, and, if no such expression of public sentiment had been expressed, he should have no doubt of its existence. There was scarcely a man, he believed, in the remote settlements of Indiana, who had not heard and reprobated the law; and it was no wonder that his constituents disapproved of that law. Their ideas of expenditure were very unlike those of all the eastern cities. Six dollars per day sounded large enough to them. Their sources of wealth, means of pro-

1. The bill before the house provided for the repeal of the compensation law under which congressmen drew $1,500 per annum and placed the salaries on a per diem basis. The discussion is in committee of the whole house. The bill became a law.

curing money, were few and narrow, when compared with the commercial opulence of a maritime country, or even the independent competency of an older state. They were rescuing their country from a wilderness. Agriculture was in its infancy, and the produce they had to spare—their corn and their beef—in the neighborhood of a plentiful market, bore a very low price. Mr. Hendricks said that, while he would not contend for a refunding of any compensation received at last session, it was not to be presumed that any had drawn heavily on the treasury since the commencement of the present session, and it would ill become this house to repeal a law, because it was wrong and at the same time, practise all the wrong which that law authorized, to the date of its repeal. It would be holding out to the people the semblance of doing what they required, when we were not so doing, and if the people in the passage of the offensive law had been injured, this kind of legislation would be adding insult to that injury.

That it had been said, that lowering the compensation of members would have a tendency to exclude from this floor the talents of our country; but, let it be remembered that the best talents were found in the councils of the nation, at a time when no compensation was certain or scarcely probable; that the early days of our republic would be an abundant testimony to this remark.

The committee then arose, reported progress, and obtained leave to sit again.

[WILLIAM HENDRICKS]

ELECTORAL VOTES FOR PRESIDENT

WEDNESDAY, February 12, 1817

Annals of Congress

Mr. Hendricks, of Indiana, regretted the necessity which called him up. Indiana, he said, was, or was not a state, and the decision of that question would settle the one before the house. The case of Louisiana was not analogous, as the Ordinance of 1787 concerning the territories, and under which they were admitted into the Union, did not apply to any territory west of the Mississippi. The only question for congress to decide was, whether the state had complied with the requisition of the act of last session—whether the constitution adopted was Republican or not—nothing more. Suppose, indeed, that the state had adopted no constitution at all; had chosen to

live under their laws alone, and had not thrown their state government into the form of a constitution, would the state have been thereby deprived of her rank in the Union? The Ordinance of '87 had guarantied a state government when they reached a certain extent of population, and congress could require of them no more than had been done. Mr. Hendricks argued, that the same authority which gave him a right to vote in this house, gave him also a right to vote for president and vice president of the United States.[1]

[WILLIAM HENDRICKS]

HENDRICKS TO HIS CONSTITUENTS

MADISON, September 16, 1817

Indiana Republican, September 16, 1817

FELLOW CITIZENS OF INDIANA:

Having again been elected your Representative in Congress, by a respectable majority over a respectable opponent, and that in the face of and in opposition to a series of newspaper assaults, and political management I might say unparalleled in the history of our affairs; it may now be expected, that you hear from me, and if nothing of more importance, that at least an effusion of gratitude for the confidence you have reposed, might on the present occasion, be expected. Heretofore I have been silent as it respects newspapers address—I had no super-eminent qualities, or qualifications of which to "boast" and if I had had such I should not have boasted. I was conscious that to stoop to blazon my own eulogy, capacity and honor, would argue vanity, incapacity and unfitness, and being known as a candidate it was presumable the people would enquire and know, in some good degree, my political tenets and qualifications. I did not meddle with, or answer the billingsgate effusions of the *Indiana Herald*,[2] its editors or correspondents;

1. When the two houses of congress met Feb. 12, 1817, to count the electoral votes John W. Taylor of New York objected to counting the votes from Indiana on the ground that Indiana had not been admitted. The above remarks by Hendricks were made during this debate. The question was indefinitely postponed and the votes counted.

2. The *Indiana Herald* was published at Corydon from about 1815 to 1818 by Cox and Nelson. The latter, Reuben E. Nelson, was a well known attorney of southern Indiana and an opponent of Hendricks.

In 1816 Armstrong and Jesse Brandon bought the *Indiana Gazette* which had been founded at Corydon that year by James Lodge. The latter went to Madison the same year and began the *Indiana Republican*. The *Western Sun*, published by Elihu Stout, was the other paper in this political fracas. Henry W. Heth, clerk of Harrison county 1818 to 1852, and Gillis McBean, first county treasurer, were good citizens of Corydon.

because the motives and the object of the one, was too ostensible to be mistaken; and because I conceived the correspondent identified with the editor. It was too visible to be concealed, too plain to be mistaken, that an editor of the *Herald,* having already failed in some appointments, and ambitions of preferment, thought it necessary to remove out of his way that which stopped it, and not being able to remove it himself, it was important to brand it with the epithet of public nuisance, and call to his assistance the political energies of the state. It was also as visible and plain, that this self-same editor, no doubt viewing himself already on the threshold of Congress, already your representative, usurped your name and authority, and called upon me to answer certain interogatories which he himself had set forth.

These interrogatories I did not, at that time think fit to answer, because I did not consider myself called upon by you for such answers. I did not recognize the voice of the people in the brawlings and the lampoonings of that paper. In the distracted ravings of the editors of the *Herald,* I have been charged among other things with procuring the appointment of printer of the laws of the United States for the editors of the *Gazette,*[2] to the total neglect and great prejudice of the editors of the *Herald,* whose superior talents, claims and privileges ought by all means to have been recognized and attended to. To this horrible charge I answer that there was a propriety in having the laws of the United States printed at the seat of government, in one of the papers established there. That Mr. [James] Noble and myself were notified that the editors of the *Gazette* were applicants, and wished the appointment, but no intimation ever reached us, that the editors of the *Herald* were or would be applicants, or would perform the duties if appointed. As your representatives it was our duty to have the laws of the Union published in the state, and to select the proper mediums of publication. Ought we to have preferred the *Herald,* without knowing whether its editors would accept the appointment, to the *Gazette* whose editors were applicants? every man of common sense will say no. But why did not the editors of the *Herald* inform Mr. Noble and myself, if they wished to obtain that appointment. Perhaps, indeed those gentlemen thought it stooping beneath their dignity to address a line to either of us. Would not the editors of the *Gazette* have had the same reasons to complain, if

their application had not been preferred? what exclusive right or privilege will common understanding, or justice give the *Herald* over the *Gazette?* on what could such right or privilege be founded? Now let me ask can the *Herald* be affected or "ruined" by the appointment of the *Gazette?* can that be taken away which was never given or enjoyed?

Another very serious charge is easily understood as it is false, and emphatically stated by the *Herald* is, that I endeavored to have the printing of the United States Laws taken away from Mr. [Elihu] Stout.[2] The object of this cannot be mistaken. It was intended to impress the citizens of the West with an idea that I had attempted to deprive them of every means of promulgating the laws of the United States among them. It was intended to fan the flame of local jealousy already in existence in the West, and to make that feeling heretofore and still prevalent at Vincennes coincident with the whole western end of the state. It was intended to marshall the feelings of the East and West against each other, that this same editor, whose pretensions had not yet become generally known or respected, might have to a party, and be taken up generally in the west. If Mr. Noble and myself endeavored to have Mr. Stout removed from that appointment, who else did we nominate? No one. There is in this assertion gross and malignant falsehood. I stated unequivocally, that there was no other paper in the west to be selected, and that it was proper and right to have the laws printed in that section of the state. It was my opinion also, that a greater number of papers in each state would be employed in printing the laws: But when giving an opinion of Mr. Stout, as an editor, I did also state, that he had the reputation of an indolent man—that in his publications he had not formerly been punctual—that his *Sun* had frequently set for more than a week at a time, and that in consequence of this, the publication of the laws in that quarter was frequently retarded. But I did not state that Mr. Stout while he received the emoluments of the General Government for publishing their laws, permitted his paper to be made a vehicle of slander and abuse against that government. I did not state that Mr. Stout received and published communications abusive of that government to whose protection he was indebted for the enjoyments of his fireside, and the frontiers of Indiana for their habitations.

These traits of Mr. Stout as an editor I might have given, and subsequent publications would have proved my assertions true.

Another charge of a most singular nature is, that I was "cognizant of and instrumental in bringing the *Gazette* to Corydon." The editors of the *Gazette* have already stated enought on this subject, but all will not do. Mr. [Armstrong] Brandon[2] I never saw till April last. Mr. James Lodge[2] I have never yet seen, nor had I the remotest knowledge of their establishment till after I left home last November for Washington.

I have been charged with procuring for Mr. Brandon the appointment of Post Master at Corydon. This appointment has rung through the state, and been reiterated in almost every number of the *Herald* for three months past. The recommendation of Mr. Heth was disregarded. This is the thing so much complained of. On this subject however I might have plead ignorance, for I never before knew that Mr. Heth had a right to nominate his successor. This would be policy and proceeding of a very dignified order indeed. The circumstance of Mr. Heth's[2] letter, without any other recommendation for Mr. M'Bean, casts a shade of suspicion on the transaction and argues something behind the scene. If everything was fair and correct—if the people of Corydon knew that Mr. Heth[1] was about to decline, why did not at least some of the citizens sign Mr. M'Bean's nomination. The history of that affair at Washington is as follows. Early in the session Mr. Heth forwarded a letter to the Postmaster General, in which he stated his resignation—named Mr. M'Bean as his successor in office, and proposed transferring the papers as soon as he (M'Bean) should be authorized to receive them. This letter was by the Post Master General immediately enclosed to me, as the Representative of the people. My opinion was asked respecting the appointment of McBean, and a request was added that I should signify my approbation, or nominate some fit person to be appointed. On reading the letter of Mr. Heth, it struck me as a thing very probable, that the citizens of Corydon had not been notified of the resignation of Mr. Heth, or the nomination of Mr. M'Bean, or they would either have joined with Mr. Heth in recommending M'Bean, or nominated another person. Without therefore, having any hostility toward M'Bean, or preference for any particular person,

I determined on waiting the arrival of some mails, before I would answer the letter aforesaid; thinking I might receive something from Corydon on the subject, and an expression of the citizens in favor of some applicant for the appointment. By the arrival of the second mail, I received letters informing me of the resignation of Mr. Heth, and that Mr. Brandon was an applicant—that he was well recommended, and that his recommendation was before the Postmaster General. I enquired if this recommendation had arrived, and was answered in the affirmative. This was enough for me. I did not ask to see it. There was no recommendation for any other person save the official one of Mr. Heth. I acquiesced in the nomination of Mr. Brandon, and so would have done, had the nomination been in favor of Mr. M'Bean, or Mr. any-body-else. Of Mr. Brandon at that time I had just heard, had never seen him. I had no partiality in his favor. This thing however has answered certain gentry to noise through the state. The *Herald* says, that "Messrs Noble and Hendricks put in their counter application without consulting Mr. [Waller] Taylor, to whom the interests and feelings of this town and county had been entrusted in this affair." And who entrusted Mr. Taylor with the feelings of both town and county in this affair? Perhaps indeed Mr. Heth, whose recommendation ought to have outweighed all others. I strongly suspect that Mr. Taylor was not entrusted or advised on the occasion, and if he had been, the friends of M'Bean ought not to complain, that Mr. Noble and myself did not consult him. Nor do I believe Mr. Taylor made any effort, to have M'Bean appointed, unrecommended as he was, over Mr. Brandon who was well recommended. If such was the conduct of Mr. Taylor, such would not be mine. In fine, I have no doubt, that if through my attentions, the editors of the *Herald* had been appointed, printers of the laws of the Union, any person than an editor of the "Gazette" appointed post master at Corydon, and one of the editors of the *Herald* [Reuben E. Nelson] appointed District Attorney for the state, that all would have been well —that for attentions like these, I could have commanded the talents, the labors and zeal of these editors, in the same degree they have been employed against me.

Fellow citizens, it has been my lot ever since I appeared on the political theatre, to receive the scurrilous abuses of some editors and others, who are in the habit of denouncing

every officer and candidate for office, who has not been brought forward by themselves. When a candidate for your suffrages last year, though I had not announced my name or pretensions through the medium of any press, the *Western Sun* was good enough to notice me as altogether "undeserving" of "notice"; and to employ some pleasant epithets, very usual for that paper, when noticing candidates for office, which they are not disposed to support. Notwithstanding that notice, the *Western Sun* has since thought proper to employ its columns for months past in noticing me—in pouring on me the most scurrilous and undeserved abuse, and on a subject too, which of all others one would suppose would have been the last about which to complain, namely, a correspondence with the Acting Secretary of War on the subject of the claims of the militia. The recognition of the Secretary of War of the claims of the militia of Indiana, was obtained by the repeated solicitations of Mr. [Jonathan] Jennings while delegate in Congress. That business was fixed and determined before I arrived at Washington. I wished no credit for that, nor indeed for any of my public services, other than the credit of having done my duty. In vain will the writer under the specious garb of "Justice" and "Truth", or any other writer, state, that exertion on their behalf tended to promote delay in the reception of their pay.

It need not be told the militiaman or the ranger, that Major [Ambrose] Whitlock has been most friendly to their claims, and would but for want of funds long ere now have paid them. Major Whitlock himself will not say so. He will say, for he has said, that many of the rangers had long received more from the government than they justly deserved. This he has said respecting Capt. [Frederick] Sholts' company of rangers, who have lately received a balance of their pay, in consequence of a special order from the Paymaster General. It was pay-rolls in due form and properly authenticated, which Major W. looked to, and not to the justice of their claims from having performed services. He was no military chancellor. If the militia and rangers or any of them have received their pay, I shall not regret any exertion on their behalf, notwithstanding the abuse of the *Western Sun*. That some and a goodly number have been paid I know. That some have not been paid I also know, and it is a subject to which I shall, during the next session of congress devote every at-

tention. While anything remains in my power on that subject, either as a public man or private citizen, I will not rest till every man, who has performed military service, who has endured fatigue, and been exposed to danger, to rescue and defend our country from the tomahawk and scalping knife, be paid the uttermost farthing; and the *Indiana Herald* and the *Western Sun,* lest they should be too much engaged next summer, may begin now on this subject, and write bitterness and cursing, until the first Monday in August next. I also expect to write as many letters home to my friends as I did last session. On this subject also the *Herald* may take time by the forelock. Perhaps these papers think with Bostonian intellect; that the war was cruel, unnecessary and unjust, and that the debts contracted by the administration which declared war, ought not to be paid. If so it would evidently be improper to promote the claim of the militiaman or the ranger; but thinking differently, I will act differently.

Fellow citizens, it is not rational, sentimental objection to my political acts, which has occasioned the opposition I have recently experienced. It is too much, say they, that this man who but "yesterday came among us", without acquaintances, friends, wealth or patronage, should now represent the state in congress. It is the man and not measure which have actuated my enemies; for what act of mine have they been able to find fault with? Where except in some trivial appointments for which my clamorous enemies were applicants, do they attempt to charge me? What done amiss? They have not been able to say. Their specifications point to their own disappointments. Their general allegations are mere lampoonings and abuses. Mark the course and channel of opposition, and the time when it commenced. As early as January last, immediately after the editors of the *Herald* found they were not appointed printers of the laws of the United States, and while I was at Washington attending to my duties as your representative, they commenced abusing me, for writing a letter to the acting secretary of War on behalf of the militia and rangers. On the 5th of March a caucus was advertised by these same editors, and on the 15th of the same month this caucus was held, for the special purpose as was well understood of selecting a candidate to oppose me for Congress. And here it may be remarked, that by this time it was known, at Corydon, that Mr. Brandon was appointed Post-master, Mr.

M'Bean was disappointed, Mr. Heth, was very angry, and some gentlemen wanted to go to Congress—these things were strengthening the party there. At this caucus however but few attended, and some of those few were opposed to the policy about to be pursued.

Nothing at that time was done but to make arrangements for a future day. This day was pitched upon. It was the 18th day of April, the first day of the court, when the citizens of Harrison were expected generally to attend, and who it was presumed would be favorable to a candidate at that place. It then could have been said that the candidate thus taken up was nominated, by a large and respectable meeting. But a series of disasters again took place, a writer over the signature of "Vesuvius" in the *Western Sun* of the 29th of March, mistaking the movers and the object of these caucuses, belches forth his lava on the measure, and threatens a total discomfiture of all the schemes and plans so fast maturing. The people too, very unexpectedly disapproved of the whole proceeding. The caucus was abandoned, and the man at that time intended to have been taken up, abandoned the idea of becoming a candidate. Disorder appeared in the ranks, a misunderstanding between the *Sun* and *Herald,* and this mighty caucus frustrated. The *Herald* however on the 10th May justifies caucus nominations, as much the "best way" of selecting on the ground of "example" and "reason". But behold on the 24th of May, one of its editors announces himself a candidate for Congress, without following the dictates of the "best" way of "example" or "reason." Mighty newspaper editorial exertions were used from this time to the day of election in which everything was resorted to, which afforded the most remote prospects of weight or influence. I was represented as vain and arrogant, wishing "that some popular character should be brought forward to oppose me at the next congressional election and I would shew them that their position was useless". This was low groveling policy indeed, but it was not without a parallel.

About the first of August Governor [Thomas] Posey became a candidate. And how was he taken up? Was it by the people, by his own wishes, or by caucus? By the latter it may be said without fear of contradiction, a caucus at Vincennes, at which but very few attended. The *Western Sun* which on former occasions shewed so much hostility to this

kind of nomination was not silent. Against Gov. Posey I have not a word to say. His character both public and private, as far as I know, I admire. I early formed a favorable opinion of him, and that opinion I have not yet changed. Had I been brought into public view for the first time when he became a candidate for Congress, I would in all probability have declined a competition and given way to greater experience and merit. But my situation was a different one. Governor Posey was brought forward by my avowed and inveterate enemies who have practised everything but fair dealing to injure and destroy me. He suffered himself to be taken up if report be made contrary to his wishes, and certainly contrary to his interest for he had and still has a situation much, more lucrative and better suited to his age and infirmities. To have declined would have been disaster to myself and triumph to my enemies—would have been worse than defeat. I now stand elected your representative to Congress for two years.

During that time I shall unceasingly and untiringly employ my industry and all the talents I possess to promote your political interests. My political tenets and principles I presume are congenial with the great mass of my constituents, wholly and devotedly republican. My feelings and habits are so also. My interests are your interests—I was an adventurer to Indiana. This name has become familiar to my feelings and good wishes—This place I view as my home. I came here without office either in possession or expectancy—had no prospects other than those of a private citizen. How long or how short soever my political life must last, I shall ever cherish a grateful remembrance of the virtuous and independent citizens of Indiana. To them I owe, and particularly to the citizens of Jefferson county, my political existence. From the citizens of Jefferson county, I received the first notice of political distinction—a seat in the Legislature of the Territory, by them was re-elected, and discharged my duties in that station I believe to their general satisfaction, and with an ordinary degree of credit to myself. I was afterwards appointed District Attorney for the territory, and since the formation of our constitution, have twice been elected your representative in Congress. This, fellow citizens, is my political history. No part of the scene is shaded with antiquity. It is all of recent occurrence. It happened among you. The history of

my life from the cradle to the present day might be easily written. Most of the materials necessary would be found in the recollection of those who have known me from childhood. This history would not be long. In it there would be no brilliant incident, no disgraceful blot. And in answer to the *Herald,* I might say, that I have not "done" very much "for my country"—have no "distinguished talents" of which to "boast". Have no claim to other virtues, than those of an "honest man."—Have no "vested right" to represent the people of Indiana other than what they gave me on the first Monday of last August.

Yours very respectfully,

WILLIAM HENDRICKS

SUBSCRIPTION TO CANAL STOCK

6 March, 1818

Annals of Congress

Mr. Hendricks rose to offer the resolution that follows, and said that perhaps he owed an apology to the house for bringing up this subject at so late a day; that he had intended at an earlier period of the session to have submitted the proposition to the house, but until he had procured the statute of the legislature of Indiana incorporating that company, he thought it improper to trouble the house with it; that that statute had recently come to hand; that it incorporated the company named in the resolution with a capital of one million of dollars, for the purpose of making a canal around the falls of the Ohio. The importance of this undertaking said Mr. H., is so intimately connected with the commerce and the general prosperity of the whole western country, it is so obvious, and so generally known that many remarks on the occasion would seem altogether unnecessary. The interests of Kentucky, Virginia, Pennsylvania, Ohio, and Indiana, above those obstructions, he said, were identified with the success of the work, and the interests of the low countries and the further west would also be greatly promoted by removing those obstructions. These falls he said, presented, the only obstacle known to the navigation of the Ohio; the work was deemed

very practicable, and one which might speedily be accomplished. He would present a clearer and a more general detail to the committee [roads and canals] when they should be authorized to take the subject into consideration. This subject, he said was important also in a more national point of view. The ordnance and military stores for the extensive countries of the west must pass down the Ohio; from the falls of the Ohio to the southern head of Lake Michigan was the nearest and the best route for the military stores and supplies destined for Chicago, Michilimackinac, Fort Gratiot, at the outlet of Lake Huron, and other fortifications westwardly to the Mississippi; that a military road between those places presented itself as a measure of the utmost importance, and was a measure which at a future day he should bring before the house. Mr. H. then offered the following resolution, which was agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the secretary of the treasury to subscribe, in behalf of the United States, for any number of shares not exceeding six thousand, in the Jeffersonville-Ohio canal company, in the state of Indiana.[1]

WILLIAM HENDRICKS

HENDRICKS TO HIS CONSTITUENTS

WASHINGTON CITY, March 17, 1818

Western Sun, April 25, 1818

SIR:

In the presidents message at the commencement of the session, you will have seen the outline of business which has since that time occupied the attention of Congress. More than three months of the session has elapsed, and a great mass of business yet remains to be taken up. Several questions have been agitated this winter which have worn away days and weeks in tedious debate, and which have not been productive of any practical result. Such was the soldiers commutation bill, which ought to have passed into a law; the bankrupt bill &c. This commutation bill offered to the soldier, at his option, one dollar per acre, in lieu of the lands he is entitled to re-

1. The time of congress was spent in arguing the constitutionality of such grants. No report is given in the *Annals*.

ceive. It had for its object his benefit alone. It was negatived by a majority of two votes in the house of representatives.

On the list of laws which have passed during the present session, is one repealing the internal duties. These duties had become unnecessary, from the competency of other sources of revenue, more natural and less oppressive, to meet the current demands of the government, and furnish a sinking fund, more than sufficient for the redemption of the public debt, at those periods when it shall become due.

A law has passed making further provision for the superannuated and indigent officers and soldiers of the Revolutionary War. It gives, under certain restrictions, to the officers of the revolution, 20, and to the soldier 8 dollars per month, during life.

Among the orders of the day is a bill extending, for a further term of five years, the half-pay pensions, allowed by law to the widows and orphans of the militia who died in the service, or of wounds and disabilities contracted while in the service during the late war. This bill includes the widows and orphans of the rangers and those who fell in the campaign on the Wabash [Battle of Tippecanoe] in November, 1811. A bill authorising a balance of pay to the company of rangers commanded by capt. [James] Bigger, in March, 1814, and a bill authorizing the payment of our three per-cent road fund, are yet unacted upon by the House of Representatives. This continually growing fund, agreeable to an exhibit of the Treasury Department, amounted on the 30th Sept. 1817, to $12,280.84 cents; which, if judiciously managed and appropriated, will be of immense advantage to the state.

Various post roads will, before the rising of Congress, be established within our state; among which are the following from Fort Harrison, on a route as direct as practicable, to Brownstown; from Salem by Bono, through Lawrence county to the seat of justice of Monroe; and from Peola by Orleans, to the seat of justice of Lawrence; and pains have been taken to connect the arrival and departure of the mails, so as to admit as little interruption as possible, to their steady progress through our country.

Little doubt can be entertained but that commissioners will shortly be appointed and authorized, to treat for a further

extinguishment of Indian title within the state of Indiana; and, from information received from the best sources on that subject, as little doubt can be entertained of a successful result to such negotiation.

Few incidents of our political history ought we to hail as more important, than the organization of western States. The State of Mississippi, has during the present session, been admitted into the Union. This, and similar events, increasing the American population on the Mississippi and in those countries west of that river, will tend to a sameness of character, and a more connected union of the different and distant sections of this great republic. A law will in all probability pass, authorising the people of the Illinois Territory, to form for themselves a constitution and State Government. Petitions of a similar nature have also been presented from the Territory of Missouri, but no bill will be reported thereon during the present session.

The cause of the patriots of South America, though subject to the vicissitudes of all revolutionizing colonies, is still gaining strength. By degrees, and by exertions they have learned the art of war. By the same means, some provinces have long since vanquished the armies of the king, and others are marching forward, with a firm and steady pace, to liberty and independence. The cause of the patriots never needed the alliance of this or any other country. The phisical resources—the men and the money, of those provinces were equal to the cause in which they were engaged, they only needed to be taught the art of war. This, their future safety and the maintenance of their independence, when gained, could not have dispensed with that experience. In this they learnt an important lesson. They will remember the origin of their liberties, and prize them in proportion to what they cost. History has very partially unfolded the resources of those countries. The unaccredited minister of the republic of Buenos Ayres is now at this place. He states, that for the last seven years, no successful army of the king has had footing in his province; that since the year 1810, they have been governed by their own institutions and laws; and that in that year the single province of Buenos Ayres was more populous than was the United States in 1783.

No favourable result has yet been had to our negociation with Spain. The Chevalier de Onis had, heretofore, declined

any cession on the part of Spain, eastward of the Mississippi, unless the boundaries of Louisiana should be taken into discussion, and the United States should cede their claims to all the territory westward of that river; and was unwilling to negotiate on the subject of spoliations on our commerce, and of the suppression of the deposite at New Orleans, until he should have received further instructions from his sovereign.

Of a recent date, on the suggestion of the Spanish minister, negotiations on the existing difference between the two nations have been renewed. The instructions from his sovereign, heretofore wished for, are presumed to have been received. A disposition has been evinced, by the Spanish minister, to renew the former discussion and the old pretensions of Spain relative to the boundaries of Louisiana. He has proposed a submission of the difference between the United States and Spain, to the mediation of one or more of the powers of Europe.

The President has wisely declined such mediation; preferring no doubt, the fate of negotiation, and the last resort of nations, to the mediation of any of the powers of Europe, particularly that of the British government; which would wish a regulation at the mouth of the Mississippi, favourable to her own commercial and monopolizing policy.

With regard to the boundaries of Louisiana, De Onis has been informed that his claims are inadmissible that to dispose of the territory of a sovereign and independent State, is not within the competency of the executive government, and that the discussion on that subject will not, hereafter, be continued.

From these last results of a thirteen years negotiation and forbearance, on the part of our government towards Spain, little remains to be hoped for from the justice of that nation. The policy of our government, heretofore, has been to permit the negotiation to linger, waiting the arrival of a time, when the interests of Spain should incline her to justice. This policy may still be extended; the President being authorized to take temporary possession of her contiguous territory, whenever he shall think it the interest of the United States so to do.

With the other powers of Europe, our relations have not recently changed; and the same balance of power, which was fixed and established by the sovereigns of the continent, sub-

sequent to the last restoration of Louis XVIII, still continues to exist.

The adjournment of Congress will likely take place between the 10 and 20th of April. I expect to reach home shortly after the first of May.

I am respectfully, &c.

WILLIAM HENDRICKS

THE MISSOURI BILL

February 15, 1820

Annals of Congress

Mr. [William] Hendricks of Indiana, spoke as follows:

MR. CHAIRMAN: Rising, at this late hour of the debate and preceded by many who were prominent and powerful in the discussions on this floor, it is not to be expected that very much remains for me to say. This, however, is a circumstance which I do not regret, for it is not my purpose or intention to say much. Sir, at an early period of this discussion, it was my intention to have offered, at large, to the committee, my views on this subject, but not having been fortunate enough to have occupied the floor at that stage of the debate, I find much of the ground which I had marked out for myself occupied and successfully, as I think, occupied by others.

With that ground, sir I shall have as little to do as possible. I will not tire the committee in wandering unnecessarily upon it, but will ask their indulgence while I say a few words, which appear to me necessary to be said, and which are some of my reasons for the vote I expect to give on the proposition now before the committee. Sir, my apology for troubling the committee is, the interest which, with others, I take in this great question, and the circumstance that that portion of the union, of which I am a citizen and a representative seems to have become in a great measure, the theatre of this debate.

Mr. Chairman, the history of the Northwestern territory is connected with the earliest and the proudest days of this republic, and its history in times to come will show it warmly and devotionally attached to the rights of the states and the integrity of the union. Sir, there is nothing fortuitous or uncertain in this opinion. The states of Ohio, Indiana, and Illinois, are standing monuments of the magnanimity of an

ancient and respectable state, (Virginia). They are monuments also of a wise and liberal policy, whence springs their happy institutions, and their freedom from slavery, that great evil of the south. They show a policy of the general government, which, should it roll on with the flood of emigration to the west, will add a constellation to your union, equal in lustre to the brightest star of the east. This is the view of the amendment under discussion—an amendment which commands my approbation and coerces my support. An amendment, objectionable, say gentlemen, because congress have not the constitutional power to enact it. Those who oppose the restriction of slavery in Missouri call for the constitutional provision, which authorizes the measure—call for the speaking index which points to this question, as though every measure of the government could have been anticipated, and all its future incidents seen by the framers of the constitution.

Mr. Chairman, the language of the constitution is plain enough for me. And here let me remark, that this amendment presents itself to my mind in a point of view different from that in which it appears to be considered by most gentlemen who have spoken of it. This amendment is objected to because it is understood to propose conditions for the state of Missouri. This is not the way I understand it. It speaks to the people of Missouri territory, and not to the state of Missouri. To the people of the Missouri territory, and to the people of all the territories, we have been in the habit of speaking. Even gentlemen on the opposite side of the question admit we speak to them.

Sir, I think, in the progress of this discussion, it has been clearly made out that congress may impose conditions. Indeed, this seems of necessity to be admitted on all hands, for without admitting this principle we cannot justify the government we hold over the territories, or the control we hold over the public land, within the limits of the new states. Sir, in this case, we do not dictate to, or impose conditions on, the state. We only say to the people of the territory what we consider necessary for their constitution to contain, and without which they are not to expect admission into the union. They are not possessed of sovereign state powers when making this constitution, nor when it is made, until congress shall admit them into the union. This ceremony of admission has been deemed necessary in the history of our government, in

relation to all the new states. Their sovereign state power is derived from the constitution, which has not force or efficacy until approved by congress. It is true the power which made this constitution was in existence before, but it was chaos reduced by these proceedings to consistency and order.

But, it is said that, by this amendment, you require these conditions to be adopted by Missouri, and to come from her, because congress have not the power to make or impose them. This, sir, is true, and is correct, in the same way that the first party to a contract must obtain the consent of the second party before the contract is complete; but, after that consent is obtained, the first party has the same advantage from it, and it is as binding on the second party as if all had been originally in the power of the first party; for, in truth, this is nothing more or less than a contract, and it is one of those contracts which, though made in the minority of Missouri, will be binding on her after she shall arrive at full age. I deny, then, Mr. Chairman, that any thing required by this amendment is to be done in the character or capacity of a state, on the part of Missouri.

Again sir, the treaty. The third article of the treaty so much spoken of in this debate, could not have been intended to pass the boundaries of the constitution. If such were its stipulations, those stipulations could not be carried into effect. Sir what created the treaty-making power? The constitution; and the moment the treaty-making power passes the boundaries of the constitution that moment its powers become annihilated. We are told that it is now too late to object to the treaty—that it has been ratified by the senate, and sanctioned by the house of representatives in the passage of laws to carry it into effect. Sir, I do not object to the validity of the treaty. The acquisition of Louisiana was one of the happiest epochs of our political history since the close of the Revolution. But I object to any construction of that treaty unknown to and unauthorized by the constitution. I object to any construction of the treaty which would do away the discretion of congress in the admission of new states. Can any unconstitutional stipulation in a treaty gain strength by the ratification of the senate, or the passage of a law by congress to carry that treaty into effect? Surely not. Suppose, for instance, that the treaty-making power had stipulated that the appointment of the officers, and the authority of training

the militia of the states to be formed west of the Mississippi, should be reserved to the government of the United States—would gentlemen tell us that the stipulation could be carried into effect? No; because such stipulation would be contrary to the constitution of the United States. Such stipulation would be an infringement of the rights of the states. And are we not to guard the rights of the general government, as well as those of the states? The treaty, then, I understand as placing the inhabitants of the province of Louisiana in the same situation they would have been in if they had been included within the original limits established by the treaty of peace.

Sir, if the treaty-making power can pass the limits of the constitution; it could have provided that the states to be formed in the province of Louisiana could have the power of making war or peace, or of creating titles of nobility. The language of the treaty is, in substance, the language of the constitution; and the privileges and immunities conferred on the Louisianian must be such privileges and immunities as the government of the United States can bestow; for, according to the principles of the gentlemen opposed, neither the treaty nor the constitution can confer on the ancient inhabitant of Louisiana the rights and privileges which result from the regulations of a state, and which are the offspring of municipal law, because these things, say gentlemen, are the prerogatives of state sovereignties, and cannot be exercised by congress. Then, what are the privileges and immunities of an inhabitant of Louisiana under the treaty and the constitution? They are simply those of a citizen distinguished from a foreigner or an alien. The inhabitant of Louisiana is not subject to the requisitions of an alien law; he becomes at once a citizen of the United States. The treaty, then, does not seem to stand in the way of the free operation of the constitution—the practice and policy of the Government—in the admission of new states. There is no guaranty in the treaty in favor of adventurers to the country, or in favor of the Louisianian, after he shall have become a member of the state government.

The force of the treaty then fails, gentlemen. It is imposing conditions on him, in the character of a citizen of a state, of which they complain; and in such character the treaty has no guaranty in his favor, and it would be absurd if it had. It would be France stipulating for the privileges and immunities

of citizens, not only of the United States, but of a particular state.

But sir, to the positive language of the constitution:

> Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States.

Here there is a direct power; absolute control over the most important and first object of sovereignty. Here is a constitutional power, more extensive than is necessary for the amendment before the committee. Congress owns, in fee simple, the soil of the country. This soil may be retained by its owners, or it may be parted with on conditions. It may be leased for life or for years. These leases may contain as many conditions as may be agreed on. One of these may be, that the soil shall not be cultivated by a slave, and that it shall not be the residence of a slave. Sir, the citizen of the United states, no matter whether he be from the south or north, may constitutionally be prevented from settling that soil. Your standing armies and your militia may be marched from every state to dispossess him. This is a policy which the government will very seldom adopt, but the power to adopt it is found in the constitution, is not a dead letter. Look at your statute book. There you will find laws specifying this power and authorizing its exertion, in driving intruders from the public lands. It is but a few years, sir, since the President's proclamation required the exercise of this power, and, but for the relaxing policy of the government, the military force of the country would have been employed in carrying it into effect. Here, then, is a case in which congress may constitutionally exclude the further introduction of free men from that soil; much easier, do I apprehend may she exclude slaves; mere property. A case in which congress may, after the admission of a State without restriction of slavery, hold a direct and absolute negative over the peopling her territory with slaves.

Sir, the third section of the fourth article of the constitution says, "that new States may be admitted by the congress into this union." Here, sir, is all the power known to the constitution on the subject of admitting new states. Congress may admit, and may refuse admission. Congress may exercise a broad, an uncontrollable discretion on the subject; but, in the

proper exercise of the discretion, congress may reject without a cause. If a cause of rejection exist, this house will know it. Congress may then examine the boundaries exhibited in the constitution submitted, to see that they do not pass the limits and boundaries of this government; for, if the doctrine contended for by many gentlemen on this floor be correct, that congress can only determine whether the constitution be republican or not, the question of boundary would be an improper inquiry for this house. The people claiming admission might stop at the Sabine, or go to the Rio del Norte. They might include the more western provinces of Mexico, or go the Isthmus of Darien. This doctrine established, with the binding obligations of the treaty to admit the people, and the question of boundary with Spain is no longer under the sole direction of the treaty-making power. The people of Missouri may go to the west and to the south, to the furthermost boundary ever claimed by the government. You are bound by treaty, say gentlemen, to admit them, and once admitted, you are bound by the constitution to protect them against invasion.

Sir, the constitutional power to admit new states, submits the constitution of such states to the scrutiny of this government. Congress may, and it is the duty of congress, to see that no provision of such constitution clashes with the constitution of the United States; that such new state, for instance, does not assume the powers of "making treaties, alliances, and confederations with foreign Governments;" "of granting letters of marque and reprisal;" or "of keeping troops, or ships of war, in time of peace, without the consent of congress." This power, then, seems to contain all necessary guards against encroachment of principle, and where any encroachment of principle, no matter what, is likely to be attempted, it does seem to me, that it would not be too assuming in congress, to say to a people asking permission to form for themselves a constitution and state government: Your habits and opinions, on a particular subject, make it probable, that you will introduce a principle into your constitution incompatible with the opinions and policy of this government. With this principle you are not to expect admission into the union. This would be a piece of information necessary for them. It would be a beacon to direct them into the port of admission.

Mr. Chairman, another section of the constitution comes in aid of my opinions. The fourth section of the fourth article says:

> the United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion and domestic violence

Now it seems to me that the plain and obvious meaning of this is, that congress must, in the very nature of this clause, have the power of judging and determining what a republican form of government is. Congress cannot guaranty anything of which she is ignorant; and the constitutional protection against invasion and domestic violence in favor of the states, carries with it something more than a mere supervision of the constitution to see if it be republican. A thousand features may be found in a constitution calculated to produce invasion, though that constitution be republican. "Invasion and domestic violence" are effects sometimes found in the states. Congress is bound to control and do away these effects. She is bound also, both for her benefit and that of the state, to do away the obvious "Causes of invasion and domestic violence" and if these obvious causes are found in the constitution of a new state, congress is bound by every consideration of justice, both to the general government and to such new state, to require that those objectionable parts of her constitution be expunged before she is admitted into the union. All legislative powers to check vice of any kind, are necessarily appropriated with powers of some description, to deal with and do away the causes of such vice.

Mr. Chairman there is little danger of encroachment on the governments of the states. The states have, at all times, sentinels at their posts and within this hall. Who are we, sir, but the sentinels of the state governments—citizens of the states, sent here for the special purpose of representing them in the national assembly? With our constituents, we have a closer affinity to the states than to this government. We feel their interests as primary ones. This has been sufficiently manifested in the progress of this discussion. If I can determine anything from my own feelings I know this to be the case. The rights and advantages of the state which I have the honor to represent, are those which make the strongest appeal to my heart. Sir, the overthrow of this great republic is more in danger from the encroachments of the state

governments than of this government. Some high unconstitutional pretensions of the state governments are more likely to sap the foundations of our liberties and destroy this government. Sir, for examples I might refer you to the histories of other nations and other times, but I need not leave that of my own country. The arm of this Government, during the late war, was paralyzed by the pretensions of a state government, (Massachusetts) by a conflict for state rights.

But, sir, to the general scope and plain meaning of the constitution. It is said that congress have but one constitutional negative over the admission of a state. Congress may require her constitution to be republican, and, if it be not, she may reject it. But, I apprehend sir, that in construing an instrument all its parts are to be taken together. We should never lose sight of the object of the convention which framed the constitution. We should never lose sight of the end and object of all good governments. These are, the happiness of the people governed. Governments ought still to be progressive, from bad, if they be so, to good, and from good to better. Perfection of human happiness is the tendency of all good governments. Slavery is an evil. It is admitted to be so by all the south; and its existence is a matter of much lamentation to them. It is, then, more natural to suppose that the evil was intended to be stopped—to be removed from the body politic as soon as possible—than that it should be extended with the extending Union. Sir, suppose slavery had no existence in the United States. A state west of the Mississippi would present you with a constitution recognising slavery, and demand admission into the union. I think that no gentleman, from any quarter, would receive such a constitution into the union. We should then search the constitution with an eagle's eye. The intelligence of the south would then be able to find enough to justify the rejection of such a constitution.

Mr. Chairman, I am not at liberty to inquire how the slaves of the south became slaves. I am not at liberty to inquire what ruthless hand first manacled the slave, and trampled on the natural rights of man. I may not travel out of the record, the constitution. In that instrument, although the terms manacle and slave are not to be found, this species of property is recognised by strong language, and by definition too plain to be mistaken. With pleasure do I hear, from the represent-

atives of the south, that this evil does not lie at their door; and with equal pleasure do I find, in the history of my country, the proof of this fact. Slavery, personal slavery, was introduced into this country by that government whose policy it was to rivet the fetters of political slavery on the freemen of the colonies. It is a vestige of British policy which the storms of the Revolution could not do away, and which had too deep root in the government to be eradicated by reform. It was an evil of so much magnitude that it became necessary to provide for it in the constitution; but, being an evil, the provisions of the constitution never meant to foster and cherish it in the government. It was not intended to grow with its growth, and strengthen with its strength; to grow faster, and become stronger, than this government, which it would do by planting it in the fertile regions beyond the Mississippi. Sir, it is not fairer to say that slavery has been adopted by this government because its existence is found in the constitution, than it would be to say that crimes of the deepest dye are sanctioned by this government, because their existence is recognized and admitted by the constitution. Sir, evil is more frequently the object of legislation than good. For good and for good men, constitutions and governments are not necessary.

They are made for evil, for vicious and for bad men. The existence of every crime is admitted in a constitution, but it would be an inference, from this, entirely inadmissible, that murder was sanctioned by the constitution, and ought not to be punished by law.

Sir, I understand the constitution to recognize the slave of the south as the property of his master. As such, he is protected by the constitution, and his situation is unalterable by law; but, like all other property, he is liable to the restraints of law. Sir, an honorable gentleman, endeavoring, as I understood him, to reconcile slavery with abstract principle, has said that anything is right and proper to be done which the safety of a people may require. Will the honorable gentleman permit us to change a little the direction of that argument, and to bring it to bear more immediately on the question? Suppose then, safety of this great republic to require the restriction of slavery. If the gentleman's argument be a good one, it furnishes at once, on the ground of expediency, all that is necessary with which to support the amendment before the

committee. Sir, from the existence of slavery in the constitution and government, we are not chargeable with crime; but, when we adopt a new constitution, or receive a new constitution recognizing slavery—when we introduce an evil in the government, then we become chargeable with that evil. Then it is we create the condition of slavery, which before that time had no sanction of a permanent law. Then it is that we are at liberty to inquire into first principles, and to compare the situation of a slave with the natural rights of man.

Sir, on this question I should be willing to rest on the wisdom of those who have gone before me. I should be willing to say that the construction of the Constitution, from the commencement of the government to this period, the precedents furnished, and the system of legislation, from the much famed Ordinance of 1787 almost to the present day, are sufficient lights for me on this occasion. I should say that a system of legislation continued for thirty years—a system which existed before the constitution, and under the constitution producing the happiest political results, is one which I would not readily believe to be founded in usurpation, and tending to the destruction of the government. Such, sir, is the Ordinance of 1787 for the government of the Northwestern territory; the propositions offered by congress to the people of Ohio, in the law authorizing them to form for themselves a constitution and state government; the provisions of the constitution of that state inhibiting slavery. Such were the propositions of congress to the people of Indiana, in 1816, in the law authorizing them to form a constitution and state government. Such was the positive and absolute condition requiring that the constitution of Indiana, when formed, should be republican, and not repugnant to the articles of the Ordinance of 1787, one of which prohibited slavery; and such were the provisions of the constitution of the state inhibiting slavery.[1] Such, also, were the propositions offered to Illinois on a similar occasion. Sir, for further notice of some of the principles of this ordinance, and for additional links in the chain of legislation, I refer you to the acts of cession of North Carolina and Georgia to the general government—to the acts of congress preparatory to the admission of Kentucky into the union—to the act relative to the territory of Orleans, authorizing the

1. The absurd statement is often made that a severe struggle occurred in the Indiana constitutional convention at Corydon to keep slavery out of this state.

people of that territory to form for themselves a constitution and state government. Permit me, sir, to turn the attention of the committee to some of the conditions and restrictions of that act. The proviso to the third section is in these words:

> Provided, the constitution to be formed in virtue of the authority herein given, shall be republican, and consistent with the constitution of the United States; that it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizen the trial by jury in all criminal cases, and the privilege of the writ of habeas corpus, conformable to the provisions of the constitution of the United States; and that, after the admission of the territory of Orleans as a state into the union, the laws which such state may pass shall be promulgated, and its records of every description shall be preserved, and its judicial and legislative written proceedings conducted, in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted; and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said states as to other citizens of the United States, without any duty, impost, or toll therefor, imposed by the said state.

Of the same character is the act prohibiting the taking of slaves to the territory of Orleans. All this, sir, I cannot believe to have been the offspring of inattention in those who have legislated since the commencement of this government. I believe, sir, that precedents and constructions of a constitution, are as binding on legislatures as decisions are binding on the courts of law. And the reason which requires a written constitution, requires that this should be so. Why, sir, is a written constitution necessary? It is necessary that the lines and boundaries be clearly delineated and certainly known. It is necessary that the powers of the government be defined and rendered certain; and, where doubts, ambiguities, and uncertainties exist, precedents and constructions define and make certain. And, sir, precedents have additional force and efficacy when formed under circumstances calculated to impress a character of intelligence and stability upon them—when formed in the calm of tranquillity and reason, remote from party excitement and political strife. Such, sir, are the precedents to which I have alluded.

But, sir, we are told that this restriction cannot be carried into effect; that Missouri is required to enact it, and that which she may enact she may amend or repeal at pleasure.

Sir, there is something in this doctrine which I do not understand. There are some things in a constitution which you cannot change by amendment. A repeal of some provisions is not amendment, but destruction of a constitution. Look, sir, at the fifth article of the constitution of the United States. There certain clauses are declared not to be amendable till after the year 1808, and another provision declared unalterable. It is this: "No state shall, without its consent, be deprived of its equal suffrage in the Senate." Would you call that amendment which would destroy the republican features of this government, and introduce a king and nobility? Or would you call that amendment which would destroy the first principles of a state constitution—the compacts and agreements with this government, on which its existence depended? Or suppose, sir, a new state should destroy her constitution altogether should repeal it—break off all connexion with the Union, and set up for herself, would she still be entitled to her share of the benefits of the original compact, while she would deprive the general government of all the advantages which she might derive from a political union with such state? This government ought to be cautious how it propagates such doctrine. Where, then, would be the stipulations in your favor on the subject of the public lands—the compacts of the new states not to tax them, and not to interfere with the primary disposal of the soil?

But, sir, the sovereignty of the old states, and the equal footing of the new, are terms much used by gentlemen in this debate. Sovereignty in its application to a state government, whether old or new, is a qualified term. Absolute sovereignty is not an attribute of the general government, or that of the states. The great fabric of our constitutions consists of an union and a division of power and sovereignty. Some of the fractional parts of these adhere to the constitution of the United States, while others adhere to the constitutions of the states. The old states were shorn of their locks of sovereignty by this constitution. Where, sir, is the power of declaring war and making peace; of raising and supporting armies? The old states once possessed absolute sovereignty, but that attribute is no longer ascribable to them. It is true, however, they are sovereign for all the purposes of municipal legislation and domestic concern. The new states, sir, are not on an

equal footing with the original states. This phraseolgy is qualified in relation to them. Would to God they were. They would then have resources and wealth, almost inexhaustible, in the public lands. This doctrine, sir, would be extremely pleasant to the new states. How much they would or would not yield for its application to them I cannot say; but it is reasonable to suppose they would yield everything but principle for the soil of their country.

Sir, while the forests of the old states are their own, to dispose of at pleasure, those of the new states belong to this government. The general government can dispose of them or retain them as they please; can discourage emigration to the new states, prevent their population, and deprive them of taxing the lands within their jurisdiction. The new states are creatures of this constitution, which is itself the creature of the original states. They share equally, it is true, in the high prerogatives of legislation. They are equally represented with the old states in both branches of the national legislature, and they have equal control of the sword and the purse of the nation; but they are deprived of the principal sources of revenue, and their history since the formation of this constitution, has been one of conditions, propositions, and restrictions. To some of these, however, the constitutionality of which, until the present discussion, I have never heard doubted, we, northwest of the Ohio river, are indebted for our happiest institutions—our freedom from slavery. We are content with our situation. We are rich in the salubrity of our climate, the fertility of our soil, and the navigation of our rivers. Industry and agriculture smile upon our deserts, and commerce is invited to the west. These things, sir, induce me to believe that it is expedient also to prohibit the further introduction of slavery in Missouri. On which, sir, permit me to say a few words, and I have done.

Sir, it has been said that this proposition is one of a most unfortunate character; that we have just terminated a war with one of the most powerful nations of the earth; a war in which the triumphs of our fleets and armies have given additional lustre to the Revolutionary trophies of the country; that party strifes and animosities were reclining on the lap of prosperity and peace; and that this is a most unpropitious time to agitate this question.

Sir, these considerations, to my mind, make this a most fortunate time for this discussion. I rejoice that this discussion has found tranquility and calm on the political ocean; that it has found the nation reposing in harmony at the close of a war, and the administration riveted in the affections of the American people. These considerations relieve my mind from all apprehensions of disunion—a sound so often reiterated in this hall. Sir, I regret to hear gentlemen talk about civil wars; about the powers and pretensions of the various parties to this contest; of the prowess of the north, and the determined resistance of the south. We are told that there is but one opinion in Missouri and all the south on this subject. Sir, permit me to say that this is somewhat different from my information about Missouri and the people of the south. There are large numbers of the citizens of the south who do not, who cannot, and who will not, hold slaves. These have the feelings of the north on the subject of slavery and restriction. Many of these have come to the states of Ohio, Indiana and Illinois, on that account; and many who do hold slaves would come, if they could dispose of them.

Sir, I have said that this restriction is expedient. The peopling of Missouri from the slaveholding states, while it would make no perceivable and very little real difference in the numbers of their slaves, it would fix the complexion and the aspect of Missouri, perhaps forever. The statements and opinions of the honorable gentleman from Pennsylvania, on this part of the subject, I think entitled to much weight; but, going on the principle that evil generally gains upon good, I think it expedient to restrict. Slavery, sir, is an evil, which carries in its train many auxiliaries. It is an epidemic in the body politic. Slavery is admitted to be morally wrong; it cannot then, be politically right. It makes industry disgraceful, familiarizes with injustice, which is easily transferred from a black man to a white man. This is its natural tendency and it will have this effect in Missouri. Every state must be supported by industry and that is a bad policy which sinks industry into disgrace.

But gentlemen tell us that slaves in the southern states have become too numerous; that they are burdensome to their owners, and dangerous to society. And what has produced this result? Is it that the increase of the slave population

in the south has so much gained on the free population? Yes, sir, this is the fact. The statistical annals of the country prove it to be so. Take, then, this fact, and no matter how extensive the region over which you scatter your slaves, the day will come when all that region will be in the same situation in which the southern states are now. They will be burdensome to their masters, and dangerous to society. What political safety or good, then, would result, either to the slaves or their owners, by such distribution? You would, indeed put off the evil day, but you would pay a heavy interest in the extension of the evil. Humanity towards the slaves would not be promoted by their dispersion, and the great work of emancipation and colonization which has to commence some day, will be easier to commence now than half a century to come. But, we are told that the citizen of the south will go to Missouri, and that it would be cruel to prevent him from taking his domestics, his menial servants, who are attached to his family and children along with him. But these domestics are also fathers, mothers, and children. They belong to different, though contiguous estates. They have all the natural ties and affections; but they are torn asunder forever. A father is taken to Missouri a mother and infants are left on the Potomac. Where, then, is the humanity of this measure? But I have already occupied too much of the time of the committee. I will not longer prosecute the subject.

HENDRICKS TO HIS CONSTITUENTS

WASHINGTON CITY, April 16, 1822

Western Sun, June 8, 1822

SIR:

Few sessions of Congress since the commencement of the government, have taken up more business of great national importance, than the present. The ratio and apportionment of representation for the present census occupied its early attention. The difficulties incident to this subject, the diversity of interests in various sections of the Union, and the consequent difference of opinion in relation to the number proper for the House of Representatives, together with the delay occasioned by the want of returns from some districts, retarded the passage of the apportionment bill until a late period of the

Session; and the legislatures of several States, will have special Sessions during the present year, for the purpose of forming Congressional districts.

The members elected under the present census, will take their seats in the next Congress—the ratio is fixed at 40,000. The State of Indiana is entitled to three members and the legislature have done wisely in anticipating the number and in districting the State, thereby avoiding the necessity of an extra session for that purpose.

On the formation of the government under the constitution of the United States, the House of Representatives consisted of 65 members. For the first census, the number was increased to 105, for the second to 141; for the third to 181 and for the present—the fourth census, it will be organized with 212; making in a little more than 40 years, an increase of more than double its original number while the ratio of representation has risen from thirty to forty thousand. The population, according to the census of 1790, was 3,921,326; that of 1800, was 5,319,762; that of 1810 7,289,902; and that of 1820 is 9,637,999. Thus in the short space of 40 years almost tripling our population, while the nations of the old world, are in this respect on the ebb and flow, sometimes increasing, and sometimes decreasing, as plenty or famine, peace or war, happen to favor or to frown upon human life.

The bill for the organization of a Territorial Government for the Floridas, although reported at an early period, did not until lately become a law. A proposition for the annexation of West Florida to Alabama, was made by the Legislature of that State, and was much pressed in the Senate. The policy too of annexing East Florida to Georgia, was spoken of; but their limits are not changed and the bill for their government recognises the same boundaries they had in the hands of Spain.

The bankrupt bill, a measure almost as important to the commercial interests of the east, as our land bill of last session to us in the west was strongly urged upon the House of Representatives and seems to have been lost by the mismanagement of its friends. The merchants now, as the manufacturers heretofore, by asking too much, have got nothing. They asked to be shielded in prosperity, from those debts which in adversity they had become unable to pay, and that the juris-

diction created by the bill, should be put into the hands of the courts of the United States; increasing, in a great degree the mammoth power already in the hands of the federal judiciary.

Early in the Session, the Committee on the Public Lands, reported a bill, amendatory to the land relief law of last Session. It authorizes those who did not avail themselves of the provisions of that law, to transact their business in the land offices, on or before the 30th of September next, and places them in the same situation with those who came forward previous to the 30th of September last. This bill has passed both Houses, and wants only the signature of the President to become a law.

Funds have been provided, for the payment in full of the pensioners within the State. This was unavoidably procrastinated, until the appropriation bill, containing that item of expenditure should pass—the sums previously appropriated for that object, having been misapplied and insufficient for the purpose. The whole number of persons on the revolutionary pension roll, amounted on the 7th February last to 11,932.

A bill has been reported, authorizing the selection of school lands, for Clark's grant, and that part of the Vincennes donation tract, for which no selections, have yet been made. A bill has also been reported, and has passed the Senate for the location of a land office at Fort Wayne.

A bill is among the orders of the day, making additional appropriations for the location of the National Road from Wheeling to the Mississippi, and making the seats of Government, in the States of Ohio, Indiana and Illinois, points on the road. No permanent location has yet been made further west than Zanesville, but should the appropriation be made, the work will progress the ensuing season.

Our three per-cent fund, as appears by a letter from the Secretary of the Treasury communicated to the House, amounted on the 31st of May, 1827, to $42,629.46. This statement, however, excludes from the calculation the sales of last summer, which in the Brookville district were very large, and the payments which, under the land relief law, have been made on lands purchased since the first day of December, 1816. The whole fund may now fairly be estimated at $60,000.

Since the close of the last war, the commerce and the revenue of the United States have experienced much change. The nett revenue of 1815, was little less than fifty millions of dol-

lars. In 1820, it was little more than fifteen millions. The first years of the peace were years of unexampled prosperity. The national debt which on the 30th September, 1815, was estimated at one hundred and fifty eight millions of dollars, was, on the 30th of September, 1820 reduced to ninety one millions, payments having been made in that interval, to the amount of sixty-six millions. In the single year of 1817 the disbursements on account of the principal and interest of the public debt, amounted to more than 25 millions. This was prosperity perhaps unparalleled. But in the year 1820, the other side of the picture presented itself. In that year a loan of three millions became necessary, to defray the ordinary expenses of the Government, and to pay the interest of the debt. During the last year, the same policy was pursued; increasing, instead of diminishing, the debt of 91 millions. The importations of 1815 and '16 were excessive; they far exceeded our exports—put the balance of trade largely against us, and drained the country of the precious metals. Nor indeed can we reasonably expect a very great improvement of the revenue arising from the customs, while the foreign markets furnish so little demand for our exports, by which our imports must necessarily be regulated.

This state of affairs will impose the necessity on Congress of diminishing the expenditure of the Government, and of managing its Treasury on principles of economy which the present times imperiously require. Our peace establishments were organized in the year 1815, when the revenues of the country promised means equal to the wishes of prodigality itself; and it is not wonderful that at the close of a war, in which the Army and the Navy were identified with the affections of the people, those establishments should have been made as they were. But our expenditures must be brought within our means; and the administration of Mr. Monroe will terminate with increased reputation, should he go forward, as it is believed he will, in such a system of economy and retrenchment, as will afford the prospect of extinguishing the National Debt in a reasonable time, and promote the solid improvement and prosperity of the nation. The army has already been reduced to 6,000 men; and a bill is reported to fix a naval peace establishment, leaving the Navy in the opinion of its friends as effective as it now is and reducing considerably its charge upon the Treasury.

For the want of National prosperity, however, we ought not to complain. The pecuniary affairs of the country, it is true, have undergone a very great change. The nation, as well as individuals, have felt that change. Neither the one nor the other are yet prepared for the present state of things. The quantity of our circulating medium has been much reduced. Public opinion has driven from circulation worthless Bank paper, and the merchants have exchanged our specie for European goods; but men have returned to their natural pursuits. Speculation is more generally abandoned, and the credit system done away; and when the embarrassments produced by former times shall have disappeared, we shall not want the quantity of circulating medium which heretofore has been necessary for us. Within the last year manufactures have flourished more than at any period previous to the last war; and the population of the Western Country has advanced with a rapidity heretofore unknown.

During the period of my services in the National Legislature, six states have been admitted into the Union. Since the admission of Indiana—Mississippi, Illinois, Alabama, Maine and Missouri, have, in succession, assumed the rank of independent States.

The Union has been strengthened and extended from the Bay of Fundy, to the Mexican Gulph. The Floridas have been added to the jurisdiction and the sovereignty of the United States; and our boundary enlarged beyond the Rocky mountains, to the shores of the Pacific Ocean. No period of our history since the close of the revolution, is better calculated to gratify the mind of the philanthropist, or to pourtray the destinies of this great republic.

Nor have the principles of our republican institutions been confind to the limits of our government. During the last year the progress and the triumphs of their revolutionary armies, have established independence of South America and Mexico and the present Congress have recognized them as Governments, independent of Spain. Buenos-Ayres, Chili, Peru, Venezuela, and New Grenada, the two latter of which forming the Republic of Columbia, have representative forms of Government; and, with the exception of the Brazils, where the name but not the power of the king of Portugal still exists, there remains scarcely a vestige of monarchy in South America.

In Mexico the authority of the king of Spain is put down. The people have become independent, but so far as they have settled at all their political institutions they are yet monarchical. The principles of the revolution however, are not likely there to rest. They will, in all probability, adopt the forms of government which surround them, and add another to the republics of the new world.

The attitude of the nations beyond the Atlantic, has not been as peaceful the last year as heretofore. Russia and the Turkish Provinces of Europe, menace the government of the Grand Seignior. The borders of the Hellespont, and fields of ancient Greece, will probably be again the theatre of war. The holy aliance of Sovereigns seem unable to agree among themselves. The struggle for constitutional liberty in Naples has long since been abandoned, but the political aspect of Spain promises a further advance upon the powers and the prerogatives of the crown. The French revolution was the beginning of a new era; and altho its principles and advocates slumber for the present the former superstitious veneration for legitimacy and the rights of kings, will probably never be restored, and the idea of representative government which is brought into view and which is now existing in Spain, may yet change entirely the complexion of Europe.

The Session will close the 8th of next month.

With much respect,

Your obedient Servant,

WILLIAM HENDRICKS

INDIANA CANAL

April 20, 1826

Congressional Debates

Mr. [William] Hendricks, of Indiana, said, it would be unpardonable in him at this late period of the session, to detain the senate by a speech of any considerable length. On this subject, however, it is perhaps unnecessary for me to give any assurances, for it has not been my practice to obtrude myself upon the attention of this body in frequent or long debates. On the bill now before you,[1] it was my intention, had

1. This bill provided for a grant of land to Indiana to aid in constructing the Wabash and Erie canal. The bill was not voted on at this session.

it met the consideration of the senate at an earlier day, to have said much more than I now shall. I feel myself indebted to the comity of the senate, for resuming its consideration at this late hour of the session, and of the day, and will endeavor to repay that comity, by closing the discussion on my part in a very short time.

Sir, a moment at a time like this, when the members are starting and preparing to go, may be all important to a measure. The Illinois Canal bill, which, about three hours ago, was defeated by an equal division of the senate, would, in all probability, if on its passage at this moment, obtain a different result. One member from Maryland is gone home, one from Delaware is sick, and another, from Kentucky leaves us in the morning. These, with one or two others believed to be friendly to the cause of internal improvements, being absent diminish our prospects in the present case.

A report of the committee on roads and canals accompanied this bill. It has been printed and laid on the tables of members almost three months. It has been read, and contains all the information which is most obviously connected with the subject. But, as inquiries have been made, and objections stated, I will endeavor to answer them. It is said that the country is yet a wilderness, inhabited by Indians, and that it is idle to talk of improvements of this kind, which belong to advanced periods of the improvements of a country. Gentlemen talk of twenty years to come, of another generation, as time enough for such improvements as these. Suggestions of this kind are serious, inasmuch as they create difficulties in the minds of those who know nothing about our country, and operate unfavorably to the present question. In all other views, they would only show us from the west, how little gentlemen from the east and south know about our country, and could only excite a smile. On this subject I refer gentlemen to the history of our country. In 1800, the Northwestern territory, now the states of Ohio, Indiana and Illinois, contained only a few thousand inhabitants, confined to the Connecticut Reserve, Vincennes, Kaskaskia, and Detroit and a few settlements on the Ohio. That Territory now sustains a population of perhaps one million and a half; sends twenty members and one delegate to the other house; and, if an apportionment could be based on the present population it would be entitled to six or eight more. Let me tell the gentleman

from Maine, [John Chandler] who has made this objection, that the fertile regions of the western country, as the Indian title becomes extinguished, change instantaneously, as if by magic, from a dense forest to a highly cultivated country; and let me further tell the gentleman, that his own citizens and constituents, from the Penobscot and Kennebec, aid in producing this state of things. Sir, of all regions of the west which have been settled within the last four-and-twenty years none has progressed with more rapidity than will this Wabash country. The canals of New York, the navigation of Lake Erie, and of the Miami, to Fort Wayne, afford facilities, in arriving at this country, which never, until recently had any existence. Heretofore the approaches to that country from the east were by land, in many instances a distance of a thousand miles; or else by water, from some navigable point on the Ohio, or its tributary streams. The exposures and fatigues of families in this removal well prepared the northern constitution for the diseases of the country and inflicted, in many instances, innumerable calamities on the unfortunate emigrant. The reputation of the country for health was injured, and emigration discouraged. All this is now removed. The western country of the Wabash is also better adapted to the northern emigrant than any district heretofore settled west of the state of Ohio. The situation of this district, then, in all respects, justifies the belief, that it will settle with a rapidity heretofore unknown.

Sir, the very fact that the country is unsettled, is the strongest reason for passing this bill. Why? the land is now your own. You have it yet to give, but the moment you put it into the market, that ceases to be the case. You sell the best lands for one dollar and twenty-five cents per acre, and not only put it out of your power to aid the state in this way, but you produce this state of things. If ever the state should be able to make this canal, she will have to operate in a highly cultivated country, and have to pay five, ten, and twenty dollars per acre for the land through which it must pass. In this way, by not passing the bill before the lands are put in market, you not only refuse to do the state a positive good, but really inflict a positive injury.

It has also been objected that there has been no survey of the route; no estimates; that there may be various routes for this canal and on this subject we have no information. Sir,

the report just read, gives you, I believe, reasons which ought to be satisfactory on these points. Two years ago, you passed a law authorizing the state of Indiana to survey this route through your public lands, and gave the very liberal donation of land for the bed of the canal, and ninety feet on each side thereof; and you reserved, also from sale, the sections through which this route might pass. The subject of this survey has been before the legislature of the state. They refuse to appropriate money to make the survey. They were, perhaps correct in this. For, being destitute of the means of making the canal, it was deemed bad policy to expend money in its location. The location of the canal would only have attracted attention to the public land in that quarter; would have given a nominal and fictitious value to it, which for many years cannot be realized, without the aid of the general government in constructing the canal. It would have insured the sale of the lands contiguous, and have created new difficulties for the state whensoever she might determine to engage in the work. The state of Indiana will not authorize the survey at her own expense, unless she has your aid in this, or some other form, to enable her to progress with the work.

There can be but one route for this canal. It must follow the stream from the western termination of the portage. It must keep the vally of the Wabash. This portage connects the river St. Mary's three miles above its juction with the St. Joseph's with the waters of the Wabash. It is less than seven miles between the points, and so low is the summit level, that small water craft has frequently, in times of high water, passed from one to the other. It is believed that a feeder of a few miles in length from the St. Joseph's will supply this summit with any quantity of water, or that the St. Mary's may be used for this purpose, by damming it in the vicinity of Fort Wayne. The fact, however, that the waters of the east and the west mingle at that point, proves the summit level to be very inconsiderable. As to the length of this canal opinions are somewhat different. Some opinions say that a cut across this summit level will be sufficient; others, that the cut must be extended to the Little Wabash, a distance of twenty-five miles and others, that it must be extended still further. The lowest point named is the mouth of Tippecanoe river. This is believed to be distant from Fort Wayne about one hundred miles. My own opinion is, that the canal should terminate

below the mouth of the Mississinaway, and this would require a cut of perhaps fifty miles. Its length, however, is not so great a consideration. It is a matter of principle. Will you give lands for this purpose? If you will, its magnitude, though it should go to the Tippecanoe, ought not to deter you. You cannot doubt of the expediency of the measure, whether you look at the importance of the country contiguous, or the vast and fertile regions with which, and between which, it will open a communication. If the canal be a long one, it will be the more expensive, and the more will we require your aid. If it be a short one, the bill will give us less. As the bill is drawn, the appropriation will be in proportion to the length of the canal.

Much strength of argument is gained from the character, position, and extent of this river. Steamboats have already ascended this stream to Terre Haute, a distance of at least three hundred miles from its mouth. This is the highest point to which the settlement and business of the country has as yet invited them. The country is, however, settled as high up as the mouth of Tippecanoe, one hundred and fifty miles further, and although the fact has not been proved by actual experiment, yet I have no hesitation in giving it as my opinion, from the character of the river, that steam navigation may be employed much higher up than even that point—I will say to the mouth of the Mississinaway.

Sir, this stream, not only in character, but in extent and position, demands your attention. It is, save the Ohio, the largest river of the west, until you come to the Mississippi. It rises in the state of Ohio. It waters a greater portion of territory than any other in the states of Ohio, Indiana, or Illinois. The richness and fertility of its lands are, even in our country, proverbial. It may fairly be called the great artery of the northwest. It is certainly such to the state of Indiana. In reference to its position connected with that of the Miami of the Lake, little need be said. No one can for a moment, examine the maps of the states of Ohio and Indiana, without being struck with the great designs of nature. She has almost perfected the union of the waters of the east and west. She has left but little for us to do.

I have spoken of the summit, and have only to add on this subject that, from the character of the Wabash, this canal must be easy of construction. It will require little expense

in lockage. For the character of the Miami of the Lake, I refer gentlemen to the history of the late war, and to the gentleman (General Harrison,) who commanded the Northwestern army during that war.

The idea that this grant will be repaid to the treasury, in the increased value of the contiguous lands, is scouted by some gentlemen opposed to the bill. This is mere matter of opinion, and can only be proved from arguing from what has been, to what probably will be again. In this way it can be proved by facts drawn from the western country.

In 1816, you gave the state of Indiana four sections for the seat of government. They were selected, and the town of Indianapolis laid off, before the public lands in that region were exposed to sale. What was the result? That the contiguous lands, and the lands of the surrounding country, for a considerable distance, sold much higher than land in all other respects equal, in other parts of the state. By that donation, you made, perhaps, fifty thousand dollars. This is the history of all donations for important public purposes. And this has been the policy, too, of the government, in reference to the new states. Why did you give a section in every township for the use of schools? Was it not to make the country more valuable? To sell the lands? If it had been a mere donation to literature to the citizens, and not to the value of the public lands, you would have made that donation to the old states, as well as to the new—and in preference to the new—for they could have devoted it more profitably to literature than the new states could.

This donation could not have been with a view of sending the citizens of the old states into the forest to receive education, but with a view of increasing the value of your lands. This is proved by another incident of your policy, at the commencement of the land system, that of selling the four sections in each township, which were most contiguous to the school section, at double price. And yet, in enumerating the many great things which the general government has done for the new states, these donations have always a prominent place in the list. They are not donations; they are speculations.

Sir, gentlemen tell us that the bill goes too far; It asks too much; That all we ought to expect at this time, is a reservation from sale, and a keeping of the case in our own hands, to await the good pleasure of congress at a future day. And

can gentlemen who seem to know our true interests so much better than we do ourselves, tell us what advantage to the country would result from such a bill as that would be? Or, will they permit me to tell them, that to reserve from sale six miles wide, down the valley of the Wabash would make a desert of the very country, the settlement of which is our first object. Better give up the idea of doing any thing to aid us in this business, and bring the land into market. It is the settlement and prosperity of the country that we desire, and not that the lands may belong to you, or us, or another proprietor. For this purpose we want the canal. We care not so much about its tolls and revenues, as we do about its existence, for the good of the country. Do you stickle about a participation of its proceeds; regulate that matter as you please, only give us the canal, or aid us in this way to make it.

Sir, it has frequently been said here, that before congress engage in works of this kind, they should be well advised of the importance of the undertakings they would encourage, in a national point of view; and we have been asked by some, to show that this canal will be advantageous to the country in a military point of view. Sir, I have heretofore, on this point, referred gentlemen to the history of the late war. That history will give you facts showing the great value of the navigation of the St. Mary's and the Miami of the Lake, to the operations of the war in the Northwest. It will also show you that much of our disaster in that quarter, if not all, was occasioned by the great difficulties of transporation of military supplies, and of the movement of your troops. Suppose you might find it necessary to transfer military supplies from Detroit to the Mississippi or from Upper Canada to New Orleans. Of how much importance would this means of transportation be. Sir, a single fact: the 4th regiment after it had fought at Tippecanoe, was called to Detroit. This was the first service to which it was called after that event. What was the direction of its march? It was, when on the battle-ground about one hundred miles distant from Fort Wayne, a point by which, or near to which, it had to pass on its way to Detroit. It returned by Vincennes, passed the Ohio at Louisville, passed through Frankfort, Kentucky, crossing the Ohio again at Cincinnati, and thence to its point of destination. It approached the country of Fort Wayne by a fatiguing circuitous march of six hundred miles, gaining in real distance about one hundred.

This is a case, indeed, in which I place no great reliance. The country was then a wilderness, in possession of hostile tribes. I do not say that roads or canals could have been used, if they had then been in existence. The statement, however, will show the great improvement of which the country is susceptible, and its peculiar adaptation to military purposes. It is probable that that country, interior as it is, will never again be in the hands of any enemy. The country of the lakes of Michigan, and the northern parts of Ohio, may. You may require a rapid movement of troops from the Mississippi to Upper Canada, or from Upper Canada to some point of the south or west. In such emergencies, I need not tell the senate, that this canal would be immensely valuable.

But, sir, the vast extent of country, to which this would afford commercial facilities, and direct intercourse, cannot be overlooked. This must be the principal, as it is the direct, inland line of communication between the upper counties of the St. Lawrence and the Mississippi, between the eastern and western states. Does the commerce of those regions, whose rivers fall into Lake Erie, wish to find a southern market? What channel so natural, so easy, so direct as this? or does the commerce of the south wish to approach the northern part of Ohio, Indiana, Michigan, or Upper Canada? By what other way can they approach so readily as by this canal?

Sir, the senate, I hope, will indulge me a few moments more and I have done. The gentleman from Pennsylvania [William Findlay] has said, let Indiana construct her own roads and canals, as Pennsylvania has made hers—that Pennsylvania has not asked the aid of this government in her works of this description. I will not ask that gentleman to tell the senate how the state of Pennsylvania, how several states which have recently executed important works of internal improvement, have been enabled to expend millions on such objects? What have been their sources of revenue? What has enabled Pennsylvania to make her magnificent turnpikes? What her resources for the splendid canals in which she has recently engaged? I can answer this question for the gentlemen, if he is disinclined to the reply. Her public lands are, and always have been, one of her great sources of revenue. The proceeds of these she has recently pledged for the future. These proceeds have sustained her in the past. Very different, sir, is it with the new states. The old states, not content with

their own lands, have laid the strong arm of power upon ours; and it is somewhat curious to observe with what pertinacity members from the old states adhere to the public domain, and at the very moment they are preaching to us our equality with them, they own the public lands within their own limits, and those within the limits of the new states, and endeavor to console us with the opinion, that we are on an equal footing with the original states.

The solicitude of the western states on the subject of internal improvements is often spoken of on this floor as matter of deep regret. This solicitude must, nevertheless, continue. It cannot be otherwise. While the public lands belong to the federal government the new states must always be importunate for aids of this kind. Do you say, that we require too much legislation on the subject of the public lands, and that, on the subject of roads and canals we are undermining the constitution? We reply—give us the soil of our country, and we will be as other states. Your arguments will then be more likely to prevail with us on the subject of internal improvements. In what state, or nation, does not the public domain require much regulation? This subject is regulated by the old states at home. The new states have to come here to get that matter regulated. Is it wonderful, then, that more legislation is necessary for the new states than for the old states?

Sir, let me put a case to gentlemen; for our great object in questions of this kind is, that members from the old states should for a moment make our case their own. In that event, there would be no difference of opinion between them and us. Suppose then that the general government should assume the power to dispose of, and make all needful rules and regulations respecting the unappropriated lands in the old states should create land offices, order surveys, &c. Would gentlemen repose very quietly in that state of things? and yet, this being our situation, they tell us almost as often as we ask the passage of a land bill, no matter what its object, though it be to quiet the title of an industrious citizen who is rearing a numerous family on a few acres, that we are restive, we are troublesome. We are told, on the present occasion, that it is unconstitutional; that you cannot give; that, by the articles of cession, the public lands stand pledged for the payment of

the public debt. Grant it. What debt are they pledged for the payment of? It will not be contended that it was for any other than the debt created by the war of the Revolution. And what is the state of that debt? It is all paid but $13,-000,000 of the three per cents and this $13,000,000 you will never pay until all the last war debt, bearing a heavier interest, shall be paid. Sir, you have paid in principal and interest more than $100,000,000 of the debts of the last war, of debts not embraced by the terms of the articles of cession, nor did the cession contemplate the payment of any other than the Revolutionary war debt. It is sheer power which applies the proceeds of the public lands in the new states to any other purpose of this government. The new states are flattered with the appellations of sovereign, independent, and with the idea of being on an equal footing with the original states. Sir, whatever portion of sovereignty and independence they may enjoy, they are not on an equal footing with the original states. Sovereignty and the right of soil are terms synonymous, or nearly so. This is admitted by the old states, in their uniform stipulations that the new states shall not tax the public lands. The compact not to tax implies the right of taxing unrestricted by the compact; and the right to tax without limit, is the right of soil. The new states ought not to have entered indefinitely into this compact. It was selling their liberties without a consideration. The state of Ohio commenced, the others followed suit.

Sir, a habit has grown up amongst us, of talking of this general government as a great political hydra, destined finally to ingulph and destroy our liberties, whose tendency is to destroy the power of the states. Sir, if I feared the general government as much as some do, I would raise my voice for the dissolution of the union. But I have no such fears. There is danger in either extreme, I admit. Danger of making the government too weak, as well as danger of making it too strong. And whose doctrine, sir, tends most strongly to increase its power? Theirs or ours? Wealth and patronage is power. In this instance we ask, that for considerations valuable to the Union, as well as to several states, you should give us a small portion of your wealth. You who fear that this government has too much power, and who say it threatens the destruction of the states, say you cannot give; you have

not the power to give. Then being already too powerful, you have not the power to diminish your power, by parting with this small pittance of your wealth. There does appear to be something ludicrous in objections of this sort. Sir, I might go on and consider the amount of this grant, and show you that it is inconsiderable in all respects, compared with the magnitude and importance of the work it would effect. I might speak of the character of the country from Fort Wayne, west; that much of the lands on that high dividing country are not of the best quality for agricultural purposes; that the greater portion on the route of this canal is of this description, at least for the country between Fort Wayne and the mouth of the Little Wabash. But I will not pursue the subject further. We have cheerfully voted with you large appropriations for your navy, for your fortifications, your expenditures for purposes almost innumerable on the seaboard. We have aided you in the equipment of 74's, frigates, and sloops of war, for the protection of foreign commerce on every ocean and sea; and shall we be considered unreasonable or extravagant, in asking this small portion of the soil of our own country, in aid of the domestic commerce of this extensive region? I trust not.

HENDRICKS TO HIS CONSTITUENTS

WASHINGTON CITY, May 13, 1826

Handbill in Indiana State Library

SIR:

It has been my custom ever since I was honored with a seat in Congress, at the close of every session, by a short letter, to distribute among the people, such information as I was enabled in that way to communicate, and which would, in my opinion, be useful or satisfactory to them. The practice originated in the opinion that as the people are deeply interested in public affairs, so have they a right to be informed concerning them, and, that it is the duty of the representative to give such information, as often as it may be convenient for him to do so. In this view of the subject, I have thrown together on the pages of a common sheet, some of the outlines of business which has occupied the present session, and will endeavor to give them as general circulation as possible.

The session has been one of much length, of considerable warmth, of discussions of many important subjects, some of which are specially interesting to the Western Country. Among the many may be classed Internal Improvements, which has excited, and must continue to excite, much interest in Congress. The new states are not the owners of the soil within their geographical boundaries. They are deprived of this great source of revenue, which in several of the old states, has in peace and war, sustained their treasuries, and enabled them to engage in works of this character. They are of necessity driven to Congress instead of to their own Legislatures for a participation in the proceeds of the Public Lands, and they must ever continue, while in this state of dependence, to urge this subject upon the attention of the General Government. The present Administration has taken a stand more favorable to the new states, in relation to the power of Congress to construct roads and canals, than any former one. Former Presidents had generally denied that power, and had in various forms given much effect to their opinions, even to the placing of their veto on bills. This question has still to struggle in every movement, against the settled opposition of the great mass of the southern states, and those from the north, who believe that Congress has no constitutional power over the subject.

The southern states generally deny the power of the general Government to construct roads and canals. They deny all power which is not so plainly laid down in the constitution as to put at defiance contradiction and doubt. Their policy is to make the General Government weak, and the state Governments strong; and this policy seems to be based on the great question of slavery, on which the states are unfortunately separated, by opinion and interests, strong and inflexible. The southern states seem to fear, that if power is admitted to exist in the government of the Union, that the power of Legislation on the subject of their slaves, will finally be assumed and that, in this way, the wealth and political condition of the slaveholding states may be totally changed. Their fears are certainly groundless, but they nevertheless exist.

As much however, if not more, has been done in this great interest of the country, during the present session, as at any

previous one. The construction on the Cumberland road between Wheeling and Zanesville will progress the present year, $110,000 having been appropriated for that purpose. The location of that road will also be extended westwardly from Columbus, the ensuing summer. The commissioner employed by the General Government has recently been here. He will commence his operations in a few days; will spend some time in the final location of a section of the road east of Zanesville, and in the reconnoissance of a new route between that place and Columbus, after which he wiil proceed westwardly; will reach Indiana the ensuing summer, but will perhaps be unable to complete the location through that state during the present year.

A bill to connect by canal communication the navigable waters of the Wabash with those of the Miami of Lake Erie at Fort Wayne, was prepared at an early period of the session. It proposed to give to the state of Indiana a quantity of land equal to three sections on each side of the canal, along its whole line, from one end thereof to the other, for the purpose of aiding the state in constructing the canal. This bill, owing to the pending mass of business, the magnitude of the appropriation which it proposes, and the constitutional question of the power of Congress over the subject of internal improvement will not become a law during the present session. The partial discussions however, which have taken place in the Senate on the merits of the bili, are by no means discouraging. The objection, too, which is based on the want of a survey of the route, will probably be removed before the next session.

We must hope for its success at a future day. Few subjects of magnitude are ever matured during the same session at which they are introduced, and however reasonable and right this and other measures may appear to us, who know the situation of our country and its fair claims we have the arduous task of convincing others, who know nothing about our country, of the justice of those claims. We must not ask too many things at once, lest we weary those who have the power of giving.

It is the intention of the War Department to detail an engineer of the United States to survey canal routes in our state, during the present year. He will be especially directed to

make surveys and estimates of the White Water canal, and of the Wabash canal as soon as the extinguishment of Indian title on the Northern margin of that river will make it advisable that the work be commenced. He will also be instructed to repair to Jeffersonville during low water next fall, and make minute surveys and estimates of the route of a canal on the Indiana side. This has never yet been done by an officer of the United States, of course no survey of that route, clothed with official authority or certainty, has ever been submitted to the General Government.

An inland coastwise navigation is contemplated by the friends of internal improvements, to progress southwardly from Boston to Florida, and the survey of a canal route across the peninsula of East Florida has been authorized during the present session. The survey of the Florida coast will also be extended along the sounds and inlets of the coast to the Perdido, under the authority of the Secretary of War. The value of this inland navigation must be apparent to all. It will save our immense coasting trade from the dangers of the open sea and afford it protection from an enemy in time of war. It will also give to that trade the advantages of cheap and expeditious transportation. To the Western Country, this inland navigation along the coast of the Gulph of Mexico, through the Canal of the Peninsula, to the Atlantic markets, will be most valuable. It will open to our produce more extensive markets, will give great facilities in approaching them. An appropriation has been made in aid of the Louisville and Portland Canal Company, and an appropriation will, probably, before the rising of the session, be made to the Dismal Swamp Canal. A bill for the relief of Bigger's rangers has at length passed the Senate, and is before the House of Representatives. It authorizes full pay to that company as mounted rangers, for the time they were dismounted, and full pay as mounted rangers from the 1st of March 1814 to 24th of the same month. It also gives them pay as dismounted rangers, from the period last mentioned, to the 16th of May following, the time they were at home. What its fate may be in the House of Representatives, is not yet known.

A bill has passed the Senate appropriating money to defray the expenses of a treaty with the Indians in our state, for the extinguishment of their title to the residue of the Wabash lands, and as much of the country toward the Southern bend

of Lake Michigan as can be procured. Should the appropriation be made, a treaty may be expected next fall.

The finances of every nation in every age of the world, have ever been, and must ever continue to be, a most important interest. On this depends their prosperity in peace, and their energy in war. A nation great in resources, and having those resources under their own control, are capable of sustaining great emergencies, and of pressing forward in rapid strides of improvement to wealth, intelligence and respectability. The revenues of a nation should be unembarrassed with debt, and equitable in their assessments on the people. They should be expended with economy, and industry should not be burthened with dispensable contributions upon the people.

The revenue of the United States is principally derived from customs: a tax on foreign goods imported, and the sales of the public lands. It has always been embarrassed, and the general burdens increased by a National debt. This debt had its origin in the Revolutionary War, a war into which the colonies were plunged without any preparation and which the condition of the country was unable to furnish the means of carrying on during its progress. A necessity existed to substitute credit for capital, and a national debt was the consequence. The payment of this debt was very properly assumed by the Government after the peace, and it would have tarnished our National character, if so important a means by which our liberties had been achieved, had not been provided for at the close of the war. The debt in 1791 amounted to $75,000,000 and previous to the late war had been reduced to about $43,000,000. The last war added to this about $100,000,000, but by every fiscal exertion, based on an unparalleled revenue from the customs, for several years, immediately succeeding the war, it was in October last reduced to about $80,000,000. The revenue is at present in a prosperous condition, and perhaps no other interest is so well calculated to show the vast resources of the country; for it is estimated that this 80,000,000, will be paid in less than ten years, by the ordinary application of the means now in existence, and of the system now in successful operation.

The current expenditures of the government for the year 1826, including the army, navy and the civil list, will amount to little more than ten millions. For the same year we pay ten millions for the principal and interest of the public debt,

and the revenue to be received is estimated at twenty five and a half millions. The tariff which was adopted two years ago, a measure having for its object the protection of our manufacturers, and from which so much evil was predicted, has had a beneficial effect. On some articles on which the duties were raised, there has been an increase of importations; and the increase of our exports, is not only evidence of our national prosperity, but is flattering to our national pride. The gross amount of customs House duties, during the last fiscal year, is stated as six millions greater than in any year since the excessive importations of 1815-16.

The perplexing question with the Creek nation of Indians, and with the state of Georgia on the same subject, has been finally put to rest. The treaty of the Indian Springs which was ratified on the 7th of March 1825 had been negotiated with that portion of the Creek nation which was headed by the celebrated chief Gen. McIntosh; but had not been finally agreed to by the residue of the tribe. McIntosh had been friendly to the Whites, through the late Creek and Seminole wars. He had headed his party in several campaigns under General Jackson, and had been a most efficient partizan warrior against the hostile Creeks. He was justly esteemed as the friend of the white people. But that spirit of revenge, which is so great an ingredient in the Indian character, still existed against him. He had not been forgiven by the nation for the part he had taken in their recent wars, however great his apparent influence among them. A large majority of the nation disagreed to the treaty, and shortly after its signature, put him to death. It was impossible that the treaty of Indian Springs could ever be carried into execution. This was foreseen early last summer, and large deputations of both parties were by the President invited to repair to the City of Washington, where they have been all winter. Another treaty has been negotiated with them and ratified by the Senate. The policy of the government is to remove them west of the Mississippi, whither they will generally go. This measure seems necessary for their preservation; for surrounded by the increasing settlements of Georgia, Alabama and Florida, they must finally become extinct. They cannot and will not adopt for their subsistence agricultural pursuits, and their country is too limited for them to live by the chase.

Another land bill has recently passed, extending the provi-

sions of former relief laws to the 4th day of July, 1827. In relation to interest it is more favorable than the acts of 1824. The law itself will be more satisfactory than any thing I could say about it. It is as follows:

An act making further provisions for the extinguishment of the debt due to the United States by purchasers of the Public Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled That provisions of the Act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands" approved May the 18th 1824; and the provisions of the act, entitled "An Act explanatory of an act, entitled "an act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands" approved May the 26th 1824 and the same are hereby, severally revived and continued in force, in all respects whatsoever until the 4th day of July 1827.

SEC. 2. *And be it further enacted:* That the legal holder of any certificate of lands purchased from the United States, which land has reverted, by virtue of the provisions of the act of the 2d of March 1821, or the several acts supplementary thereto; or which by virtue of the 5th section of the act of the 10th of May, 1800, is subject to be sold for the balance due thereon, with interest, or which under the provisions of the said act, has become forfeited to the United States, since the 1st day of July 1820, and which has not been sold, shall be permitted to redeem the same, at any time previous to the 1st day of May 1827, on paying the amount of the purchase money due, exclusive of interest, with a deduction of 37½ per cent.

SEC. 3. *And be it further enacted,* That, if the legal holder of any certificate of further credit, extended to purchasers of public lands, by the Act of 2d March 1821, entitled; "An Act for the relief of purchasers of Public Lands, prior to the 1st day of July 1820" shall, previous to 4th day of July 1827, discharge the amount due on such certificate, by relinquishment or payment, or both, such holder shall be entitled to a remission of all interest due thereon, at the day of such discharge, together with a deduction of 37½ per cent on the amount actually paid in cash.

Approved 4th May 1826.

The bill to graduate the price of Public Lands has not yet been acted on, and the important change it proposes to make in the land system, will probably prevent its passage during the present session. The passage of some bill, to reduce the price of inferior lands in old settlements, is equitable, and is demanded by the situation of the country. Of the success of such bill, there is, perhaps at no very distant day, a good prospect; but the subject at present is likely to remain on the list of unfinished business.

A bill has passed the Senate, giving under certain conditions

to relinquishers of lands the original price of which was less than five dollars per acre, the right of becoming purchasers of the same, at private sale, at one dollar and twenty five cents per acre.

The question of sending ministers to the congress of South American Republics assembled at Panama, has been a fruitful source of discussion, and of discord, during the greater part of the present session. Our Government had been respectfully invited to send ministers, with the express understanding, that these ministers would not be expected to share in any deliberations which might compromise "in the least the present neutrality of the United States." That invitation had been accepted by the President, in the spirit in which it had been given. I voted for this mission in every shape and form in which it was presented to the Senate, viewing as I still do, this proposition to be nothing more than a continuance of that kindred and friendly policy toward our republican brethren of the South, which originated in the House of Representatives about seven years ago and which finally triumphed in an almost unanimous vote, on the question of recognizing their independence of Spain. In 1820 and '21 various propositions were submitted to the House of Representatives, favourable to the cause of the patriots, and their success in the struggle in which they were then engaged. In favor of those propositions at that day, I cheerfully recorded my name; and in 1822, when the question of recognizing their independence was presented by President Monroe, had also an opportunity of giving a similar vote. The same arguments which were then used against those measures have been used on the present occasion. A fear of the displeasure of Spain and the Holy Alliance of Europe, was the sound of the opposition to the South American cause at that day. It is so still. In 1822, the Spanish Cortes expressly declared, that he would "regard at any epoch, as a violation of treaties, the recognition, either partial or absolute, of the independence of the Spanish republics of the South". We have not been, as was predicted, involved in a war on account of our policy then adopted. There is, in my opinion, no danger of any such result at the present time.

The Congress of Panama presented an occasion which should not have been passed by unheeded. The agents of

England, and in all probability of other European nations, will be at that Congress. It is a theater worthy of their notice, and shall we fold our arms in indifference, and talk about jeopardizing our peaceful relations with Spain? Is a growing incalculable commerce, with more than twenty millions of people, on our own borders, unworthy our attention? Are the productions of so large a country of the torrid zone, unimportant in the great estimate of our foreign commerce?

The revenues drawn from South America and Mexico have sustained the Spanish monarch for ages, under the most oppressive and despotic system of Government. In 1809 that revenue in Mexico alone amounted to twenty millions. The three fourths of their exports have been, and will no doubt again be the products of their mines; and that country whose merchandise is the precious metals may be said to command the resources of the world. Let the mines of the South be closed against Europe and in what condition would be their circulating medium? Where would be the paper system of England? Take away our own supplies of the precious metals of the South and where would be our own paper system? The natural direction of the commerce of those countries is that of the Gulph stream; our own harbors and commercial cities. It would naturally come to the mouth of the Mississippi, and meet and mingle with our commerce there. The agricultural productions of the west would find their best market in the South. But neglecting this important interest it may take a different direction. The commerce of those republics will in all probability, in a very short time be worth more to us than that of all the world besides. Nor can we look with indifference on their political condition. We cannot it is true, make common cause with them against Spain. This is not our policy. But there is such a thing as social and fraternal feeling among nations, as well as individuals. It is easier and more agreeable for nations governed by the same description of laws, and the same forms of government to keep up friendly and commercial relations, than for nations differing in these respects and especially, as in the present case, where they have passed through the same struggles and conflicts for their liberties. And if there be any political society for us, it must be with the Republics of the South. The republics of ancient times have long since passed away; they have been overthrown

by their own dissentions, or deluged by the wars which have so often agitated Europe. There is now no Grecian republic, no Roman commonwealth, no republican States General of Holland, no National Assembly of France. We can associate with republics in no other quarter of the Globe. The present however is an important era in the political history of the World. A greater number of nations are now governed by the elective and representative principles than at any former period of which history gives us any information.

These friendly feelings however towards the patriots of the South ought not to induce us to change our national policy. This policy is peace, commerce and friendship with all nations, entangling alliances with none. There are many causes of war, which might exist between them and other nations, with which I would not interfere.

I would not go to war in the belligerent struggles between Spain and her former colonies. I would not, though the Holy Alliance should march combined Europe against the Republics of the South, unless that combination assumed the attitude of a war against Republican principles. But in that event I would join the coalition of South American States. I would assume the attitude in the great cause of Republics. The civil as well as the military departments of the Government should be summoned to the occasion. I would put in requisition our 74's and everything else which could float upon the water, and would estimate the fleets and armies of the Holy Alliance as inimical to the liberties of the world. Such a cause would be worthy of great effort. It would demand that effort though it should be the last. It would be our own cause as well as that of South America; for a coalition of emperors and Kings against the liberties of the world, would never sheath its sword at the Isthmus of Darien or the confines of Mexico. It would justly view this Government as the pernicious example which had excited rebellion in the provinces of Spain, and be satisfied only, when it had prostrated the liberties of these United States.

The session will close the 22d of the present month.

With much respect, Your obedient Servant

WILLIAM HENDRICKS

WABASH AND ERIE CANAL

Friday, February 9, 1827

Congressional Debates

Mr. Hendricks, said, that the situation of the country, through which this canal would pass, was not well known. This was a great national project, and its benefits would be felt throughout the Union. It was true, that, along a great part of the line of the canal, there were but few inhabitants. But it would be recollected, that, but a few days ago, they had been called upon to ratify a treaty by which the land in question had been ceded to the United States by the Indians. The objection had been made last year that the land was not purchased from the Indians. The objection now seemed to be that there were no inhabitants on the line of the canal. Although the settlement near Fort Wayne was not now large there was every reason to believe, from the nature of the soil, and the character of the country, that the land in that vicinity would become settled with great rapidity. The settlements on the Wabash were increasing very fast; and, as far up as the mouth of the Tippecanoe, there was now a dense population, which was thirty miles from the settlement which was to be communicated with by this proposed canal. There were strong reasons why this land should be given now. It was the only time at which congress could give it. The land is now in the possession of the United States; but, if this donation is delayed, it may have been settled upon, and it would thus be out of the power of congress to make this donation. Besides as a means of settling the public lands in the neighborhood, this cutting of the canal would be a most favorable circumstance. The lands would then be brought up with avidity, and at a high price, while, if this project did not succeed, they will be worth but $1.25 per acre. The state of Indiana would be placed in this situation, by a refusal of congress to grant this land: If, hereafter, the state became able to cut the canal, the lands having been settled upon, the state would be forced to pay, probably, twenty dollars per acre for them. He would say one word more. This measure was a source of great solicitude with a large majority of the people of Indiana. They cannot make the canal without the assistance of the general government. If the United States gave them this land,

they could so manage it as to produce a revenue from it for the construction of the canal. In doing this, a great accession of revenue would be brought into the treasury. This was fully proved, by documents upon the table, in relation to the road from Detroit to Chicago. In those papers, it was stated that the purchasers of land, as soon as they found the track taken by the surveyors, followed them, and went to the office at Detroit and entered the lands on the line of the projected road. So far was this carried, that it became necessary to prevent its being done until the public could all participate in the purchase of the lands. He might also mention the Brownstown road, in Ohio. One mile on each side of the road had been granted for its construction, and had produced sufficient to make the road in a durable manner, and $30,000 were left for repairs, while the sales of public lands had been greatly increased by it. He mentioned these facts in support of the policy of making this grant of land, and to show that any public improvement drew along with it an increase of population and private enterprise. Nature seemed to point out this junction of the waters of the Ohio and of the Great Lakes, and he hoped congress would see fit to grant this boon, of so little importance to the general government and of such vast consequence to the state of Indiana.

WILLIAM HENDRICKS

CUMBERLAND ROAD

January 23, 24, 1828

Annals of Congress

Mr. [William] Hendricks said, that when he addressed the senate yesterday, he had been anxious to avoid discussion, or entering into a consideration of the constitutional powers of congress.[1] He should chiefly confine himself, at this time, to replying to the remarks of the gentlemen from Maine, [John Chandler] in relation to the 3 per cent fund. It must be known to every gentleman in the senate, that the constitu-

1. 7he bill before the senate provided for the completion of the Cumberland road from Bridgeport to Zanesvile in Ohio and to continue the survey to the capital of Missouri. Hendricks had spoken briefly, January 22. Sen. William Henry Harrison and Sen. T. H. Benton as well as Sen. James Noble of Indiana spoke for the measure. The opposition was coming principally from North and South Carolina. Hendricks spoke again on Jan. 24.

tional power has been settled by every congress for upwards of twenty years. He did not therefore, consider it necessary to touch that portion of the argument.

He had said yesterday, that congress had agreed to make the road from Bridgeport to Zanesville; and, in pursuance of that agreement, that the contractors had gone on in the progressive stages of the work so that, at this time, 21 miles of the road were in an unfinished condition. If the motion of the gentleman from Maine had prevailed, it would have destroyed the project for this year at least—because 80,000 dollars would have done comparatively no good.

The discussion of this subject yesterday took a wide range, embracing the constitutionality of the measure. He had no disposition to follow the example, or now to answer the arguments of gentlemen who opposed the bill; but should call on them to sustain their positions in a future debate. The gentleman from Maine did not, however, participate in these objections. He seemed desirous of obtaining information in relation to what he called the "two per cent fund". This information I will endeavor to give them. The gentleman from Tennessee [John H. Eaton] did not notice the fact of a law subsequent to the compacts with some of the western states, which divided the five per cent and applied three per cent to the construction of roads within the state, and two per cent to the making of a main road by the United States, through the state. Whether the sum arising from the two per cent would, in the end, defray the expense of the road or not, he could not say. Thus far, probably it had not. But the country through which the road had already passed, was the most difficult section of the whole. Farther west the soil was better adapted to the work, and it could be done cheaper. The grand question is, whether this was a great national work, in which the whole union was interested. If this was the case, then it ought to be progressed in. And the compacts had, as far as compacts could to it, established the right of the United States to make roads through the states.

I hope to be allowed to appeal to the gentleman from Virginia [John Tyler] who favored the senate yesterday with his ideas relative to internal improvements, the tariff, &c. I would ask him what he would do with the powers of the constitution—for it is scarcely to be supposed that they were

given for no purpose—and if congress has not the power to make a road or a canal, it has no right to exercise those constitutional powers at all. But this was going farther into the constitutional question than he had intended. To revert again to the two per cent there was no doubt that in Illinois, Indiana, Missouri, it would exceed the expenditure upon the road. It was not to be supposed that it would be applied beyond the limits of the states in which it was collected. For instance, the fund raised in Maine would not be applied to a road leading to the west. And here he would make another explanation. The gentleman from Georgia, [Thomas W. Cobb] had also made some inquiries as to the manner in which the estimates made before the work commenced had tallied with the expenditure. The estimates made by [Col. James] Shriver were remarkably correct. But in some instances, the difficulties of the route, the hilly nature of the country, and other obstacles, had caused the expenditure to exceed the estimates. He made this declaration frankly, because he did not wish that a measure based on just principles, should reap advantage by concealment. The tract of country through which the road was now progressing was the worst through which it would pass. It was a broken, hilly country, resembling the mountainous districts of Pennsyvlania and Maryland. But the plains of the states beyond the Ohio, to Mississippi, were far less difficult, and would call for small appropriations.

The gentleman from Georgia says also, that the road wants repairs, and asks why its advocates do not propose a measure for the erection of toll gates upon it. But, sir, are we responsible for the condition of the road? Have we not endeavored for years, but in vain, to fix upon it toll gates, to provide, in this way, for its regular and permanent repair? And has not the opposition to this measure universally come from those very same gentlemen who oppose the appropriations to carry on the work? There is a bill now before congress the object of which is to provide for the erection of toll gates, and we shall see, when it is taken up, whether the gentleman from Georgia will go with us in its favor.

In conclusion Mr. Hendricks remarked, that the Cumberland road was a stupendous work, which could never have been completed by the efforts of the several states. It peculiarly required the direction of the general government, for it could

no more be expected of the states, that they should construct roads for the national welfare, than that they should build ships of war or erect fortifications. Pennsylvania never would have been induced to make this road. She would rather have turned her attention and resources to local improvements; and so it would have been with every other state. In every point of view, the road was of great importance. It had already saved the country near half a million, and had, by the engagement given by it to agriculture, increased the wealth of the country to an amount far greater than the sums that had been expended in its construction.

Thursday, January 24, 1828

Annals of Congress

Mr. [William] Hendricks said, that he rose merely to remark that the western states would hardly be averse to doing away, unconditionally, the compacts, because their interest would be greatly promoted by it.[2] Without saying a word on the subject of the five per cent, or the two per cent, of which so much had been said, the compacts which this resolution proposed to modify, were the only impediment in the way of the right of soil, and of taxation by the states, in reference to the public lands within their limits. There was an inquiry, however, suggested to his mind, which he would offer to the mover of the resolution, and which might save the judiciary committee the trouble of its investigation. It was this: If the compacts made by congress with the states are valid at all, can they be changed by congress without the consent of the states? As a single member, regarding no other consideration than the interest of the state he represented he might be in favor of relinquishing the compacts altogether; because, without the compacts, they would be entitled to the public lands; but the case presented was one in which he had no power to act. If the resolution had any object it appeared to him that it was to dispense with the exercise of the power of congress to make roads and canals because such power was not found in the constitution. But if the constitution gave to congress the right of making compacts with the several

2. This is a continuation of the preceding. Eastern and southern senators were advancing every possible objection to completion of the road. Hendricks fought manfully but was overwhelmed and perhaps deceived by the Jackson administration.

states, and of stipulating to expend two per cent. of the sales of public lands, in making roads and canals in the states, for the benefit of the new states, surely the constitutional power to make roads and canals cannot be denied. If such compacts could be made according to the provisions of the constitution, how can it be argued that congress has not the power to fulfil their conditions. As a member of one of the new states, he would not agree to any modification of these compacts; because he maintained that such modification could not be made without the consent of both of the contracting parties—the states and the union. What is the whole case? You have engaged to make, for the new states roads and canals, on condition that they will neither tax nor sell the public lands within their limits. The senator from North Carolina and others, say, We have undertaken to do what we have no constitutional power to do, and the resolution proposes to release congress from that obligation, without releasing the states from their prohibitions against sale and taxation. If you wish to be released from your obligations in reference to the compacts, release the states also. Do the compacts entirely away. You either have no constitutional power to make the compacts, or you have power to fulfill them—have power to make roads and canals.

[WILLIAM HENDRICKS]

CHESAPEAKE AND OHIO CANAL

Tuesday, May 20, 1828

Annals of Congress

Mr. Hendricks, in reply to some remarks of Mr. Smith, of South Carolina, observed that this was not a western measure. Not one dollar would be expended west of the Alleghany mountains. So far from this being the case, by the express language of the bill, the canal was to terminate at Cumberland. This being the fact, it was not fair to argue that they were pressing western measures in preference to others, upon the notice of congress. He did not, however, think, as others did, a long series of years would elapse before it would pass the Alleghanies. He believed that, in a few years, the stock of the company would become as valuable as that of the Erie

canal, and that it would be supported by subscriptions from every quarter. It had been assumed that this measure was commenced by congress. This was not the case, as it had emanated from the legislature of Virginia, which passed an act to incorporate the company in 1824. Since that period other confirmatory acts had been passed. Mr. Hendricks here detailed the various acts in relation to the object under consideration. He then gave a succinct history of the various surveys, and their results, which were highly favorable to the project. He referred to the result of the Erie and Champlain canals; and expressed an opinion that the stock in the Chesapeake and Ohio canal would become as valuable as in those works. He considered it highly important, as forming a bond of union between the east and the west. He read several documents to show the nature of the work on the different sections, and the practicability of surmounting all the difficulties which the face of the country presented. The means for carrying the canal successfully into operation were within the reach of the company, if the assistance on the part of the government provided for by this bill, should be granted. The subscriptions of Washington, Georgetown, and Alexandria, and of the state of Maryland, amounted to about three millions, while the largest estimate of the expense of the canal to Cumberland was only about four millions. Virginia had not yet subscribed, nor had Pennsylvania; and the former was deeply interested in the completion of the work. The subscriptions which he had mentioned were entirely contingent, and depended upon the passage of this bill. The importance of its passage at this time was very great; as, if this session was allowed to pass by, the spirit which had operated to obtain the subscriptions which had been already made, would have abated, and the work would consequently be discouraged and delayed. The canal was to pass through a country abounding in valuable products, and would be of vast utility to one of the richest portions of the Union; and, from the view as the dividends of the New York canals were, those of the Chesapeake and Ohio Canal, after having been as long in operation, would be still greater. As a means of uniting the feelings and interests of the east and the west, he considered it far more important than all the millions which would possibly be expended in its construction.

WILLIAM HENDRICKS

STATE TITLE TO THE PUBLIC LANDS

January 9, 1827
Annals of Congress

Mr. [William] Hendricks, said, he did not rise at this hour to make a speech to the senate, but to submit a proposition, by way of amendment to the bill. [Graduation of Public Lands] And, sir, before I sit down I must be permitted to say to the gentleman from Missouri [David Barton], that I regret extremely the view he has taken of the bill now before the senate. With the views of the gentleman I have generally been pleased, on subjects connected with the public lands; but from some of the doctrines which he has advanced on the present occasion, I must forever dissent. The gentleman may very fairly represent the feelings and opinions of the people of Missouri, in reference to this subject; but I can assure him that such are not the feelings and opinions of the people in that portion of the western country which, in part, I have the honor to represent.

I did not, sir, oppose the gentleman's proposition to take up this bill, but assented to it; although I was perhaps in a greater degree than any other member of the senate, connected with the business which was next on the orders of the day. I wished to give him an opportunity to express his views on this subject, as an opportunity had on a previous occasion, been afforded to other members of the senate, to express their views on the same subject. But it was not my wish, nor is it my intention, to go into the discussion of the bill at the present time. My object is to submit, for the consideration of the senate, an amendment; to ask that it be laid on the table, or that some such disposition be made of it, for the present; intending at another period of the discussion, to give my reasons in support of it. At the last session of congress, the senate, at my suggestion, adopted a resolution requesting the president of the United States to cause to be made out and to report to the senate, at an early period of the present session, a document, which when it comes, will present, in one view, the whole history of our land system, from the commencement of the government to the present day. This document has given the treasury department more trouble than was expected, and has not yet been reported. It may, I am informed,

be expected in a few days. This document was intended as the basis of a proposition similar to that which I have submitted; and the information to be expected from it will be very desirable in reference to the present bill. It is, however, probable, that it may yet come to hand, in aid of our deliberations, before a final decision of the subject of the senate. This document I wish, before the final discussion of the bill.

This amendment proposes to leave the bill as it is, with the exception of the sixth, and last section; to make the first four sections applicable to the territories only; and on certain conditions to cede and relinquish the public and unappropriated lands of the new states to the states in which they lie. It goes upon the principle of submitting to the legislatures of the states, who know better than we possibly can do, the wants and the wishes of the people, the regulation of the public domain; on the principle that the people of the new states should be accustomed to look to their own institutions for their rights and privileges, and not to the congress of the United States.

Sir, the bill under consideration has been objected to, because it proposes a change of the whole land system. And if much fault has been found with the bill as it now is, my amendment will probably be still more objectionable. It will, however, remove some of the objections just urged against the bill. It will put the public lands under the wise and proper control of the legislatures of the states, and remove all opportunities for speculation. But if it be reasonable that other and more onerous conditions be imposed on the states, as the terms of this transfer, they can be presented in the form of other amendments; for I can hardly flatter myself with the hope that this first proposition should meet the favorable reception of the senate without experiencing some change. Nor will I be much disappointed if the entire proposition which I have the honor to submit, should meet the negative of the senate: for few changes so total, of any great system, have ever been matured in a short period of time. But, that some great change of the present land system of the new states must take place, and that at no distant day, I feel very certain. Who thinks that twenty years to come will see the public lands in the situation in which they now are? If this proposition fails now, I have the consolation to know that it can be revived at another session, and to believe that all future time

will be in aid of its increasing strength, until it shall finally prevail.

Various considerations, justify the belief that the present land system cannot long continue to exist. The great mass of legislation necessary for the regulation of the public lands occupies too much of the time of congress. The attention of the general government is too much directed from the main objects of the constitution. The great questions of commerce, of the army, the navy, and the foreign relations of the country, have frequently to give place to the discussion of land bills, that determine the titles of individuals to eighty acres. The question of internal improvements, too, on which the politicians of the day are so much divided, strongly admonishes us to change our policy in relation to the public lands. Large and respectable minorities, of both houses, deny the power of congress to construct roads and canals, while the general government stands bound by compact with all the new states in which there are public lands, to engage to a certain extent, in works of internal improvement for their benefit.

That senator from Missouri, who has just addressed the senate, has said, that as well might the old states complain that the moneys collected at the custom houses of their sea ports, are transferred to the treasury of the United States, as the new states, that the moneys paid into the land offices should be transferred to the treasury. The gentleman surely will admit that, in reference to the customs, we are on a perfect equality with the old states: for the new states pay their just proportion of the custom house revenues. But, on the subject of the public lands, the old states have their own land offices, and their own revenues from them. Their own legislatures regulate their public domain, while in the new states the federal government exercises exclusive control over this subject. Congress establishes land offices; congress possesses the revenues arising from them; and to congress the new states have to look for all legislation respecting the public domain.

Mr. Hendricks then submitted the following amendment:

Strike out the fifth section, and insert—

Sec. 5. And be it further enacted That the preceding sections of this act shall be, and the same are hereby, made applicable to the territories only.

Sec. 6. And be it further enacted, That the public and unappropriated lands within the limits of the new states, shall be, and the same are hereby, ceded and relinquished, in full property, to the several states in which the same may lie; on condition that such states shall not at any time hereafter put such lands into market, at a lower minimum price than shall be established by law for the sale of the public lands in the territories, and on condition that the Indian title to lands within the limits of a state shall hereafter be extinguished at the expense of such state.

Thursday December 20, 1827

Annals of Congress

Mr. [William] Hendricks submitted the following resolution:

Resolved, That the committee on the public lands be instructed to inquire into the expediency of ceding and relinquishing, in full property, the public lands, within the limits of the new states, to the several states in which they lie.

Mr. Hendricks said, that in offering this resolution for the consideration of the senate, it was, perhaps, proper for him to make a few remarks. It would be recollected, that, at the last session in the form of an amendment to the bill proposing to graduate the price of public lands, he had offered the same proposition, [see above] though in another form. The proposition of last session was one to which the attention of the senate had not been very much directed. It was considered a novel proposition, a bold one, and there is little doubt that, by many accustomed to look to the public lands as a source of revenue, more important than they ever yet had been, or promise hereafter to be, it was deemed an unreasonable proposition. The bill and the amendment were laid upon the table, having received a very partial examination, and, for want of time, were permitted there to rest, without discussion, till the close of the session.

With a view of preventing this state of things, and that a full discussion of the principles contained in the proposition might be had at the present session, he had, at this early period, presented it to the senate. The bill to graduate the price of the public lands would again be introduced, and, in all probability, be again referred to the committee on the public lands. To this committee he wished to have this subject also referred. The senate would then have the aid of

their examinations and report, and be the better prepared for a vote upon the question.

Believing, as he did, that the sovereignty, freedom, and independence of the new states were much impaired, and that their equality with the old states was entirely taken away by the present condition of the public lands, as the representative of a new state he could not but feel a deep interest in the proposition, and he did believe, that, when the subject should be fully canvassed by the senate, the constitutional argument, and the question of expediency, would alike preponderate in favor of the new states, and strongly admonish of the propriety of an absolute transfer of the public lands to the several states in which they lie. He believed that the federal government had no constitutional power to hold the soil of the states, except for the special purposes designated by the constitution, such as the erection of forts, magazines, arsenals, dock yards, and other needful buildings, and even for that purpose, the consent of the legislatures of the states was necessary, by the express language of the constitution.

He was well aware that the cessions from the states, and the pledge that the proceeds should be applied to the payment of the national debt, were usually resorted to as the authority of the general government to hold the lands in the states; but these authorities, connected with the history of the times, which show the intentions and views of the actors of that day, instead of showing the right of the government, might, in his opinion, be safely relied on to sustain a contrary position. It surely was the intention of congress and of the states ceding waste and unappropriated lands to the union, that the new states to be formed should be received into the union as sovereign and independent states, and on an equal footing with the original states, in all respects whatever; and nothing could be more clear than that this was the intention of the framers of the constitution. To maintain the equality of the states, it had even extended favors to the small states. It had in some degree balanced numbers in the large states, with political power in the small states. The equality of the representation in the senate was an instance of this. To senators who hold to the letter of the constitution, and who deny to the federal government all powers not clearly expressed, he might safely appeal. To those who deny the power of con-

gress to interfere with the sacred soil of a state, so far only as might be necessary for the location of a road or canal, he might speak with the greatest confidence. If, according to their doctrine, congress cannot permanently hold, in full property, the entire soil of the new states.

If, then, the constitutional argument should be with him, that congress has not power to become or to remain, the lord of the soil of the new states, no one would contend that the compacts ought to be binding, for, if they are not based on the constitution, they impose no obligation on the states. But, if even based on the constitution, it was in the power of the new states, on the principle of free agency to make them, or to refuse to make them. If the new states had refused to make them, then the objects attained by them would have been defeated. And what were those objects? That the new states should never interfere with primary disposal of the soil. And if this object had not been attained by the general government. would not the converse of the proposition have been the consequence? would not the inference have been irresistible, that the new states might have interfered with the primary disposal of the soil? Here it would, no doubt, be said, that the new states refusing to enter into these compacts, could have been kept out of the union. But this was ground untenable; for the new states were, by the ordinance of 1787, guarantied admission into the union, with a population of 60,000 on an equal footing with the original states, in all respects whatever.

Mr. Hendricks said that arguments of expediency, almost innumerable, might be urged in the present case. It seemed to him that whenever the subject should be fully examined, it would appear that an estimate had heretofore been put upon the public lands, far above their real value. The public lands had been in market upwards of forty years, and the whole receipts into the treasury had been about thirty-six millions. We had now in market more than one hundred millions of acres, and for the last years the receipts had frequently been below a million, while the whole revenue of the country in those years, had ranged from twenty to twenty-five millions. This view would show how small is the portion of our whole revenue derived from the public lands. This million, if indispensable to the treasury, could easily be supplied in some

other way. It could be laid on other objects of taxation, which would neither be seen nor felt, and the new states would rise to a level of equality with the old states. The new states would then be relieved from what he considered an unconstitutional and dangerous dependence on the old states and on the union.

Nor had this proposition anything to do with the great mass of these lands. The public lands in the new states amounted to a little more than 200 millions of acres, and perhaps fifty millions of this had been given away in military bounties, and other donations, together with the public sales. The residue, subject to the action of the present land system, would be eight or nine hundred millions. With an unlimited control over this vast scope of country, the general government ought to be satisfied.

Surely the legislatures of the states are better qualified than the congress of the United States to dispose of the public lands, as the condition of their respective states require. They better know than we possibly can know, how to graduate the price agreeably to the quality and when to give pre-emption rights and donations to actual settlers. The people of the new states should look to their own legislatures for the regulation of the public lands, and congress should be left to pursue, with undivided attention, the national interests committed to their care by the constitution of the United States.

But, there was another consideration, more weighty still. It was, that the public lands in the hands of the general government, offered to the new states the strongest inducements to a dissolution of the union, for, the union dissolved, the lands would instantly become the property of the states, and all such inducements ought most carefully to be guarded against.

He had already glided futher into the discussion than he intended when he rose. He hoped, that, at the proper time, the senate would be favored with the reflections of others, much more capable of doing justice to this very important subject than himself. He would at this time no longer detain the senate.

Monday, January 28, 1828

Congressional Debates

Mr. [William] Hendricks said, it would be remembered that, at the last session, he had submitted an amendment to the

bill, which with the bill itself, was made the order of the day for a subsequent period of the session; that, owing to the pressure of other business, the senate was prevented from the further consideration of the bill, and no opportunity was afforded, during the residue of the session, for presenting his reasons in support of the amendment then proposed.

The same bill had again been offered for consideration, and he thought it his duty to avail himself of the present opportunity to offer the same amendment. He trusted that it would be unnecessary for him to assure the senator from Missouri [Thomas H. Benton], that it was in no spirit of hostility to his bill, that he offered this amendment. Should it meet the favorable reception of the senate, it would accomplish much more than the bill in its present shape, would be more acceptable to him than the present bill, and, if it should not be adopted, the question could then be taken on the bill as reported. He proposed to strike out the fifth section, and insert the following:

Sec. 5. And be it further enacted, That the preceding sections of this act shall be, and the same are hereby, made applicable to the territories only.

Sec. 6. And be it further enacted, That the public and unappropriated lands within the limits of the new states, shall be, and the same are hereby, ceded and relinquished in full property to the several states in which the same may lie, on condition that such states shall not, at any time hereafter, put such lands into market at a lower minimum price than shall be established by law for the sale of the public lands in the territories; and on condition that the Indian title to lands within the limits of any state, shall hereafter be extinguished at the expense of such state.

The amendments being stated,

Mr. Hendricks said: Some exposition of the amendments proposed, will probably be expected of me, and I will ask the indulgence of the senate, while I attempt to give as briefly as I can, my reasons in support of them. A document heretofore referred to, as one which might be expected to give much light on this subject, has been laid on our tables, and the statements and calculations herein contained, give us a good historical view of the public lands, from the commencement of the government to the present time. I will not, however, weary the senate with its details, for, all statistical views of this subject aloof, we have grand and unerring principles to conduct us in this discussion, in which, if borne out, we shall

the less need arithmetical calculations, and without which, those calculations, however plausible, would be entirely insufficient.

It has long been my opinion, that the best interests of the union imperiously demand a change in our land system; and I have long seen the injustice of the present system towards the new states. Both these opinions seem to be gaining ground everywhere. The balance of the constitution is lost in the present state of things. The attention of congress is engrossed in legislating, specially, for the new states, to the partial neglect, at least, of its own general concerns; and the equality, sovereignty, and independence, of the new states are lost in their abject and humiliating dependence on the federal government.

No senator from the new states can but have observed how frequently within the last few years, opinions have escaped members from all parts of the union, that it would be better the public lands were ceded to the states, on just and equitable conditions, than that the councils of the nation should be teased and distracted with the local policies, and municipal legislation necessary, under the present system. So frequent were these remarks, during the first session at which I had the honor of a seat in the senate, [Nineteenth Congress] that the time seemed to have arrived, when this proposition ought to be made; and, with that view, a few days before its close, a resolution was introduced by myself, calling for the document before alluded to. This document, sir, it was my intention, should no other member move in the business, to make the basis of some such proposition as that now before the senate. Nor was I alone in the opinion, that the time had arrived when this proposition should be made; for a few days after the adoption of the resolution referred to, a Senator from Virginia, (Mr. Tazewell) laid upon your table a resolution, expressing the abstract opinion, that it was expedient for the United States to cede and surrender to the several states the public lands within their limits. This proposition was what I had long wished to see. It came from the right source—from one of the old states; and from that state, too, whence the federal government had derived its title to most of the country northwest of the river Ohio, and east of the Mississippi. This proposition I hoped to have seen renewed at

the last session, and clothed with whatever details the mover had thought proper to submit to the senate. But, learning that it was not his purpose to renew his proposition, I determined on the measure myself, and seized the occasion of the present bill, then under consideration, as a proper one.

The amendment submitted, Mr. President, is not burdened with detail. The proposition is a plain and simple one, encumbered with but two conditions; for, if correct in the principle at the base of this measure, that the equality and sovereignty of the new states require that these states should have the control of the public lands within their limits, then it would be unjust to attach many, or hard conditions, to the cession; for the power of attaching onerous conditions includes the right of refusal. You might easily attach conditions such as the states would not accept.

The bill proposes a graduation of the price of the public lands, applicable alike to the states and territories; and provides, that after the lands shall have been many years in market; after all the good shall have been sold, and the bad and worthless reached the minimum of 25 cents per acre, that the residue of worthless lands shall be relinquished to the states. The amendment proposes that the whole system of the bill shall apply to the territories only, and that the lands in the states shall forthwith be ceded to the states in which they lie. One condition of the amendment, is that the states shall not put those lands into market at a lower minimum than shall be established by congress, for their lands of equal value in the territories. This is to provide, that the legislatures of the states, who will always know more of the wants of the people than we can know—who will always be more disposed to put their lands into the hands of the industrious poor, on terms more favorable than this government—and who will know better than we can know, when to give pre-emption rights and donations to actual settlers—may not undersell, and render the hundreds of millions that would still belong to the union in the territories of little value. It is to provide that the states may not hereafter do, what this government would not consent should be done, in regulation of the price.

The other condition is, that the Indian title to lands within the limits of the states shall be extinguished, hereafter, at the expense of the states. This provision seems necessary, be-

cause, by the constitution, the treaty making power is vested in the president and senate, and would have to be employed in our negotiations with the Indians. Any details about land offices, surveys &c would be useless. The states would establish their own land offices, and regulate the surveys as they might think proper; and, in the territories the system, with the principle of graduating attached, would remain as at present.

But, Mr. President, I am not vain enough to suppose that, in this proposition, I shall have luckily hit on that which will be most acceptable to the senate. In relation to the terms, which are equitable and just, and on which the lands should be ceded to the states, we are as liable to hold a great variety of discordant opinions as on any other subject; and the abstract proposition, on which, perhaps, a large majority are agreed, is in danger of being lost by the discordance of its friends. If, however, we shall unfortunately come to no unison of opinion at the present time, still I hope that the discussion will be useful, in the comparison of opinions, and the development of views; and that, if not at the present, at some future day, it may aid in coming to some satisfactory conclusion.

This union, is in theory, formed of sovereign, equal, and independent states. In the older members of this confederacy, the federal government, sets up no claim to the waste and unappropriated lands; has no land offices, and collects millions from the sales of lands. A statesman or historian, making himself acquainted with our system would pronounce it, in theory, beautiful. With nothing would he be more pleased than with the republican equality of the states. But what would be his surprise, when told, that, in seven of these states, the soil itself belonged to the government of the union, while, in seventeen states, the soil belonged to the states themselves. Would he not instantly inquire, why are the states of this confederacy equal in theory when they are not so in fact? Why are they not made equal in reality, as they are in name? The answer to this last inquiry would be the reasons against the proposition now before the senate. He would then hear, as we have so often heard, of the cessions, the pledge, and the compacts.

I am aware, Mr. President, that these are usually resorted to, as the authority of this government, to hold the lands in

the states; but these authorities, taken in connexion with other portions of the history of that day, instead of showing title in the federal government, may, in my opinion, safely be relied on, to sustain a different position. It surely was the intention of the states ceding, and of congress in receiving these cessions, that the territory thus ceded should be formed into states, and should be received into the union, as free, sovereign, and independent states, on an equal footing with the original states, in all respects whatever. That they should thus be received into the union was most certainly the intention of the framers of the constitution. To establish and sustain the political equality of the states, the constitution had extended favors to the small states. It had put political power, in some instances, into the hands of the small states, to balance numbers of the large states. The equal representation in the senate is an evidence of this. I will take a brief notice of these cessions, this pledge and these compacts; and being more familiar with my own country than that of any other, I will take my facts and iilustrations from that district chiefly ceded by Virginia to the Union—that portion of country out of which is formed the States of Ohio, Indiana, and Illinois. I will leave to others—to the senators from Mississippi, Alabama, Louisiana, and Missouri—to speak of that portion of the public lands which was acquired by treaty from France and Spain, and by cession from other states than Virginia.

The ninth article of the confederation declared, that no state should be deprived of territory for the benefit of the United States. This was the origin of the cessionss. The cession from Virginia was authorized by act of her legislative body in 1783, and was formally transferred by her delegates to the congress of the confederation by deed bearing date the first of March 1784. These transactions were anterior to the formation of the constitution of the United States, and cannot be understood, without recurring to the circumstances under which they took place. These circumstances, some of them imperious and controlling in their character, and these only, can give us the reasons of the actors of that day, and unfold their views about the public domain. It had been a matter of much complaint, on the part of several states, that, in the articles of confederation, no disposition was made of the crown

lands. This will be found, perhaps, as fully set forth, in the objections of New Jersey to the confederation, as anywhere else. The objections of New Jersey to the articles of the confederation, respecting the public lands were as follows: Vol. I. U. S. Laws p. 24.

> The ninth article provides, that no state shall be deprived of territory for the benefit of the United States. It was ever the confident expectation of this state, that the benefits derived from a successful contest, were to be general and proportionate, and that the property of the common enemy, falling, in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use. We are, therefore, greatly disappointed, in finding no provision made in the confederation, for empowering the congress to dispose of such property, but especially the vacant and unpatented lands, commonly called the crown lands, for defraying the expenses of the war, and for such other public and general purposes. Reason and justice must decide, that the property which existed in the crown of Great Britain, previous to the present revolution, ought now to belong to the congress, in trust, for the use and benefit of the United States. Shall such states as are shut out by situation, from availing themselves of the least advantage from this quarter, be left to sink under an enormous debt, whilst others are enabled in a short period, to replace all their expenditures, from the hard earnings of the whole confederacy?

The proposition of New Jersey was, that all the crown lands, all the waste and unappropriated lands in all the states, should belong to congress, as a source of revenue, to meet the expenses of the war. But this proposition so to amend the articles of the confederation was rejected by the congress of 1778, to which it was submitted, three states only, out of ten, voting for it.

The objections of Maryland to the articles of the confederation were also submitted to the same congress. An amendment was moved, in behalf of Maryland:

> that the United States, in congress assembled, shall have power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundary of such of the confederated states, which claim to extend to the river Mississippi or South Seas.

This was also negatived.

The objections of Rhode Island to the same article, were also considered by the congress of 1778. It was proposed by that State, to add:

> that all lands within these states, the property of which, before the present war, was vested in the crown of Great Britain, or out of which revenues from quit-rents arise, payable to the said crown shall be

deemed, taken, and considered, as the property of these United States, and be disposed of and appropriated by Congress, for the benefit of the whole confederacy.

This proposition was also negatived, by a vote of states, nine to one. So far then we have, in three instances, the solemn decision of congress, against the assumption of power over the unappropriated lands, within the limits of the states. Nor indeed, does it appear, that, after that period, 1778, was the proposition to give congress the right of soil in the states ever renewed. This sir, is a very important part of our history, respecting the public lands. In these three instances, congress positively refused to assume the power of interfering with the right of soil, in the sovereign and independent states. Congress seemed to say of that proposition that being already clothed with the sword and the purse of the nation, if power over the soil were added, there would be nothing but the shadow of a name left to the states.

Many causes, however, operated in producing these voluntary cessions on the part of the states. Those states in which there were but little unappropriated lands, and on whom the pressure of the war-debt was at that time heavy, allured by the expectations, that there were public lands sufficient to pay the debt, were pressing the idea of cession. Some of the states had not yet joined the confederacy dissatisfied with the articles of confederation; and in order to quiet the discordant elements of the day, it was necessary to hit upon some measure more likely to produce that effect. Congress, accordingly, by act of 1780, recommended to the several states having wild lands, to make liberal cession of them to the union, to pay the debt of the Revolution. This measure promised to have the desired effect. Nor was the situation of the states holding these lands, calculated to dissuade them from such cessions. Virginia had been exposed to great expenditures and sacrifices, in the prosecution of her Indian wars, and in garrisoning of posts on the territory in question, and to her, who had experience on that subject, there was little prospect that her finances, all things considered, were in a short time to be much benefited, by her public lands. The validity of her title, too, owing to the unexpected extent of the grant from the British crown, and its clashing with that of Connecticut, no doubt strongly induced her to the proposed cession. The grant of Connecticut running indefinitely west, and that of

Virginia indefinitely North, would have thrown them upon the same territory, from the western limits of Pennsylvania, along the shores of the northern lakes, to the banks of the Mississippi. They would have held disputed titles, and of all things, collisions among the states were at that time to be most carefully avoided. Nor does the value set upon these lands at that day to seem to bear any comparison with their value according to modern estimates.

In examining the whole history of these cessions, from the articles of the confederation to the formation of the constitution we find nothing to incline us to the opinion, that either Virginia or the United States expected this vast expanse of territory to remain in the hands of the union, in the same condition it was in the hands of Virginia at the time of cession. That the condition in which these lands were placed, by the cession, was not intended by either party to be a permanent one, is most certain from the cession itself, in which it is stipulated that new states shall be formed out of this territory.

But, it is said that we may not cede the lands to the States, because congress stands bound to appropriate their proceeds to the payment of the public debt. The pledge, as it is called, is immediately referred to. This pledge, sir, I believe, is to be found nowhere else than in the act of cession of Virginia, and in her deed of transfer to the union. If this be a pledge, it is made by Virginia herself and is a guarantee that congress will so appropriate the proceeds of the public lands. It is not, as is generally understood, a pledge made to Virginia by congress. But, consider it in that light, and associate it with other parts of that instrument from which it cannot be separated, and you cannot fairly understand it to have reference at all to a period, after the political conditions of the territory shall have been totally changed—after it shall have been formed into sovereign, free, and independent states.

Much stress appears to be placed on the language of this pledge. It is there said, that the lands so ceded "shall be considered a common fund, for the use and benefit of such of the United States as have become or shall become members of the confederacy, or federal alliance of the states, Virginia, inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and

bona fide disposed of for that purpose, and for no other use or purpose whatsoever." There is not, in this pledge, any stipulation that the new states, when admitted into the union, shall never interfere with the primary disposal of the soil.

But, sir, whatever the language of this pledge may be, the object of the contracting parties is plainly expressed. That object, was that all the states should become, and remain, members of the confederacy; and as a strong inducement for so doing, it was stipulated, that the proceeds of the ceded lands should be appropriated in favor only of those states that had subscribed the articles of confederation. The quotas of such states as were not members of the confederacy, should be required of them, unaided by the proceeds of the territorial lands. Nor is this view of the subject weakened by the fact, that most of the thirteen states had, previous to these cessions, joined the confederacy; for the policy of the cession had been determined on in 1780. New York had ceded before Virginia; and it is worthy of remark that at least one of the delegates from Maryland subscribed the articles of confederation the same day that New York ceded her unappropriated lands to the union.

This provision held out to the new states, thereafter to be formed, strong inducements to join the confederacy; for, refusing to do so, they would be deprived of their respective proportions of the proceeds of the territorial lands, while they would be chargeable with their proportions of the public debt. The inducement too, in their case, was much strengthened by the ordinance of 1787, which interfered with the primary disposal of their own soil, until they should have joined the confederation.

But, connected with this pledge, there is another objection urged. The special word of the prohibition not to interfere with the primary disposal of the soil &c, is understood by some as expressing a perpetuity co-extensive with time. This language however, is familiar to the statute book, and from it nothing can be inferred. It is to be found in almost every act of congress, from the confederation to the present time. We are in the habit of saying in our statutes to-day, that this, that, or the other regulation, shall be, and for ever remain, the law of the land, while we possess the power and frequently, at the next cession exercise it, of repealing such law.

I have said, Mr. President, that this pledge has reference only to a territorial form of government and has no reference whatever to a period, after the political condition of the country shall have been totally changed—after it shall have been formed into sovereign free, and independent states. And, if it be not susceptible of this construction it cannot be reconciled with the ordinance of 1787, which says, that, whenever, any of the said states shall have 60,000 free inhabitants therein, such state shall be admitted, by its delegates, into the congress of the United States, on an equal footing with the original states in all respects whatever. If the construction just given be not the true one, the pledge and this provision of the ordinance are at war with each other—are destructive of each other. And suppose, sir, that these lands were pledged in perpetuity, under all political circumstances, for the payment of the public debt. For what debt? Surely for no other than the $42,000,000 then existing. And has not that sum, in amount been often paid.

But do gentlemen tell us that this pledge is a sacred one, and may not be touched, until every title of the procrastinated Revolutionary debt shall be paid? And if so, will some one be kind enough to tell the senate how it comes to pass that more than 20,000,000 of acres have already been legislated away in military bounties, and for other purposes than paying the debt of the Revolution? This pledge would seem to be one of flexible, convenient character. Whenever it becomes necessary for this government to divert any portion of the public lands from the object of this pledge, it can forthwith be done; but when the fair claims of the new states are presented for the whole, or a part of these lands, then indeed, this pledge rises in great majesty and strength. Put this matter on what ground soever you please, these lands are long ago released. If bound for the payment of the Revolutionary debt, that debt is, in amount, long ago paid; and if inseparable from the sovereignty of the states, they are in that way released, although the debt be not paid.

If we carefully examine the ordinance of 1787, we shall see, on the face of it, that it never was intended, in the great mass of its provisions, to be applicable to the states when formed; for some of its provisions are entirely inconsistent with every idea of state government, and in that view they are contra-

dictory to one another. Can any one believe that the ordinance would guaranty, on a particular event, the admission of these states into the union on an equal footing with the original states, in all respects whatever, if it had been the intention of congress to retain the full property in the soil; while the soil of the original states belonged to those states?

The resolution of 1780 provided for the formation of the ceded territory into states, and determined, that, when admitted, they should have the same rights of sovereignty, freedom, and independence as the other states. The ordinance specified the boundaries of the districts, and recognized them as states, before their admission into the union. It gave them the right, severally, of demanding such admission whenever they should have sixty thousand free inhabitants and gave them the right, also of forming for themselves permanent constitutions and state governments. Being recognized as states before they had joined the confederacy, the congress of 1787 thought proper to restrain them previous to their joining the union, from the primary disposal of the soil. This was, perhaps, at that day, when every patriot was trembling solicitous for the stability and perpetuity of the republic, a valuable provision. It held out inducements, strong and powerful, to the new states, to become members of the confederacy; and it was the legislatures of the new states, who had not joined the confederacy, and these only, that were prohibited interfering with the primary disposal of the soil. They had a right to demand admission, with a population of sixty thousand, and to form, at that period, permanent constitutions and state governments. They were, at that period of their history, and not till then, promised admission on an equal footing with the original states; and if congress had refused them admission they would still have remained states, and the equal footing which was guarantied them, being ascertained by comparisons with the original states, would have attached to them.

This opinion is not novel. For this opinion, the ablest statesmen contended, in the question of admitting, without restriction the state of Missouri. I will not, Mr. President, weary the senate, in giving extracts from the speeches of that day, volumes of which could be instantly produced. The occasion is in the recollection of every one. It was contended for by many of the advocates for the Missouri admission

that she, having formed her constitution, convened her legislative body, enacted her own laws, was, in very deed, a state and that her state sovereignty and equality included her right to her public domain. It may also be stated, with much certainty, that difficulties such as these, finally kicked the beam in favor of her admission, more than any constitutional argument.

I am well aware, sir, that the constitution will be resorted to for aid in the present case. We shall, no doubt, have quoted upon us the third section of the fourth, and the whole of the sixth article. We shall be told that the congress have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States. But, those who contend for the validity of the ordinance, and its application in the present case, will surely not take the ground that its provisions were changed by the constitution; for, if they do, they have themselves no ground to stand upon. If you say the ordinance was repealed by the constitution of the United States, you lose the benefit of its prohibitions against the new States; and if you admit that the ordinance, with its guarantees in favor of the new states, is sanctioned by the constitution, you must admit, that the new states, with a population of 60,000 were entitled to admission into the union, on an equal footing with the original states.

The ordinance is, in many of its provisions, a compact between the original states and the people and states in the territory. It contains engagements of both parties; and the sixth article of the constitution declares, that all engagements, entered into before the adoption of the constitution, shall be valid. The ordinance contemplated the public lands as belonging to the new states, after their admission into the union; and, if all other authorities were wanting to prove this, the 9th article of the confederation would be sufficient. It declares, that no state shall be deprived of territory for the benefit of the United States. These articles were made for the government of the United States, and for the states which should adopt them in future; and the ordinance was framed in accordance with those articles. They were the basis of the ordinance of 1787. They were the constitution of that day, and the ordinance cannot be construed in violation of them. The meaning of the ordinance, compared with this article, becomes perfectly clear.

Mr. President, the union of the states was the grand object of all parties in the regulation of the territorial lands. The articles of confederation had provided, that no state should be deprived of territory for the benefit of the United States; that congress should not assume the ownership of the soil in the states. With this, many states were dissatisfied, and hesitated about joining the union. To remedy this, the cessions provided, that no state out of the confederacy should participate in the proceeds of those lands; and that the ordinance further provided, that the new states, refusing to join the union, should not only be excluded from all participation in the proceeds of the territorial lands without their limits, but that they should be prohibited from interfering with the primary disposal of the soil within their limits. As a further inducement to the new states to join the confederacy, the ordinance stipulated that they should be admitted into the union, with a population of 60,000, on an equal footing with the original states, in all respects whatever; and the constitution, in sustenance of the same policy, provides that all engagements entered into before the adoption of the constitution, shall be as valid against the United States under the constitution, as under the confederation. So that the articles of the confederation, the acts of cession, the ordinance of 1787, and the constitution itself, form a perfect and harmonious chain of policy, the grand object of which was, the union and equality of the states.

Then, Mr. President, if at all correct in this view, it may well be asked, by what means have the new states been deprived of their equality of the right of soil? I am well aware, sir, of the answer to be expected here. Here the compacts made with the new states are brought into view. Here, notwithstanding the guarantee that the new states shall be admitted into the union, on an equal footing with the original states, in all respects whatever; that they shall enjoy the same rights of sovereignty and equality with the old states; we are told that the sovereignty of the states is, sub modo, conditional; that if one condition may be attached, another may, and that, whatever our political rights would have been, if we had never made the compacts, we must now abide by them, and have no reason to complain. And are we to be told, that, although the sovereignty and equality of the states as well as the stipulations of the ordinance, would have given us, with-

out the compacts, the soil of our country, we are to be deprived of that first attribute of sovereignty by the conditions imposed, when we ask permission to form, for ourselves, a constitution and state government?

These compacts, it is true, ought never to have been made; and, however soon we may get clear of them, we shall have suffered sufficiently by them. A territorial form of government, is, indeed, not to be desired. It has been one of turmoil and strife, wheresoever it has been introduced. The territories, anxious to gain a political elevation, anxious to gain the level of equality with the original states, did not rightly consider the immense sacrifices they were making for the name, while they were not really acquiring the substance of equality and independence. They had a right to demand admission with a population of 60,000 and congress might, in their discretion, receive them into the union with a less population. Some of the new states asked for admission with a less population. This was the case with Ohio, the first from the territory in question. Ohio, tired with her territorial relations to the union, asked, by her delegate, permission to form, for herself a constitution and state government, with a less population than 60,000. Congress, under these circumstances having the power to admit or not, responded to this request of Ohio with conditions. That part of the ordinance which prohibited the new states from full property in the soil, until they should be admitted into the union, was made perpetual; and the prohibition of sale and taxation was imposed for no other consideration, than a few sections of school lands, a few supposed salt springs, and five per cent of the proceeds of the public lands, for internal improvements. This is the history of the matter in reference to Ohio.

Louisiana was next admitted into the union, with a territory obtained, by treaty, from France. That the people of Louisiana who had been accustomed to receive from the crowns of France and Spain almost any quantity of land for occupying it; a people anxious to experience the full benefits of the government to which they had recently been attached; should have been thoughtless about any regulation on the subject of their public lands, is not wonderful. Louisiana, too, like Ohio, was admitted into the Union with a less population than 60,000.

Indiana was the next state admitted to the union. She had, before she applied through her delegate, for admission, a population of more than 60,000. She had a right to demand admission under the ordinance of 1787. Following, however, the example of others, under circumstances less favorable than her own, instead of forming her constitution, and demanding unconditional admission into the union, as, by the ordinance, she had a right to do, she procured the passage of a similar law, authorizing her to form a constitution and state government, giving up the right of soil and taxation to the federal government.

The public lands should be ceded to the states in which they lie, because their present condition is not warranted by the letter of the constitution of this government. The government of the union is one of limited and specified power. It was framed with a cautious jealousy of its encroachment upon the states, and with the view of transferring from them, and to it, no powers which they could exercise; no powers except those which are, in their character, national and necessary for national purposes. Its powers are carefully enumerated and specified; and so jealous were its framers, that, after every specification contained in it, it is expressly inhibited the exercise of any powers except those delegated to itself, or prohibited to the states. We shall search in vain for any clause in the constitution, which prohibits to the states the exercise of any powers connected with the public lands. In all the original states, this power has always been exercised by the states. We shall search in vain for any clause in the constitution, which authorizes a control over the principal object of sovereignty in the states—their public lands. It cannot be appendant to the word territory, in the fourth article of the constitution; for territory, in our constitution, our laws, and our history signifies a region of country without the limits of a state, in, and over which, a territorial government is established. We say the territory northwest of the river Ohio, the territory of Michigan &c; but, when we speak of the public lands, we say the public lands in those territories; the public lands in the states. The one term signifies a political division of the country. The other is a term by which we designate property.

The exercise of this power by congress, is contrary to the

spirit of the constitution, which aspires to national objects, unlike that under consideration—national concerns, such as the states are incompetent to legislate upon. The interests submitted to the federal government, are those of peace and of war, of the army, the navy, and the foreign relations of the country, and of such system of finance, as may be found necessary to give active energy to these great interests. One of the principal difficulties in the formation of this government, was, to designate the boundary betwixt it and the state; and it seems to have been the care of its framers, to avoid as much as possible all municipal legislation; the regulation of all local and domestic concerns. It seems to have been intended, that the federal government should not engage in that which the states were competent to do. Now, sir, test the present case by any of these rules, and we must come to the conclusion, that, with this matter, the federal government has nothing to do. The public lands create a field of municipal legislation, inconsistent with its general purposes, and the evident intention of its framers. And, if in any degree correct in this view, the compacts are unwarranted by the constitution; and if so, are not binding on the states.

I deny sir, the constitutional power of this government to hold lands within the limits of the states, except for the purposes designated by the constitution; such as forts, magazines, arsenals, dockyards, and other needful buildings and, to enable congress to hold lands even for these purposes, the consent of the legislatures of the states is declared to be necessary, by the express language of the constitution. In a question of such vital importance to the new states, it would surely not be thought unreasonable that they should scrutinize the power which takes from them the public lands within their limits, impairs their sovereignty, and deprives them of equality with the original states. It would be, at least, some consolation to know, that the power which prostrates them at the feet of the union, which assigns them a level lower than that of the original states, is based on the constitution.

The power, Mr. President, of the states to make compacts, is one thing, and the constitution of the United States is another. And, although the states may have the power to make compacts, by which a portion of their sovereignty may be alienated, yet it does not follow of course, that they have a

right to transfer such sovereign power to the union, or that the union could receive or exercise such power. The boundary separating federal and state powers, may be considered the stability of our political system. This boundary may not be passed by either, for any purpose; neither to usurp nor to transfer power; for, in either way, would our system be deranged, and the constitution suffer violence. A state may have the power of destroying her own constitution, though totally destitute of power to interfere with the constitution of another state, or with that of the union. Suppose a state to determine on its own dissolution; could it transfer all its powers, legislative, executive, and judicial to the federal government? And, if a state could so transfer its powers, could this government receive such a transfer, or exercise such power? Surely not: if one jot or tittle of power, not given by the constitution can be acquired or exercised in such way as this, then farewell to the guards against usurpation of power, placed by the wisest and best of men around the constitution; farewell to the sovereignty of the states. Establish this doctrine, and we may live to see a consolidation of all power in the hands of this government. Then indeed would the constitution have prescribed in vain the mode of its own amendment. Vain would be the provision that two-thirds of congress, or of the states, should agree in calling a convention to propose amendments, and that three-fourths of the states should be necessary to ratify such amendments, if the constitution can be changed by transfers of power from individual states, or by compacts with the several states.

I lay it down, sir, as a proposition not to be resisted, that the rights of soil and taxation are inseparable from the sovereignty of every independent state; and to sustain this proposition, no other proof seems to be necessary than well established definitions. What sir, is sovereignty? And what is a state? Go to writers on national law, or to the ablest expositions of our most enlightened statesmen, for answers to these questions. We shall here, no doubt, be told, that nothing can be found in national law applicable to our affairs. But we must be permitted at least to hope, that the sovereignty of the states is not so perfectly destroyed by the formation of the general government, as not to be recognized by the principles of international law. It is, perhaps by all writers on

ered in point. In the case of *Fletcher against Peck, 6 Cranch,* 128, Judge Marshall, in delivering the opinion of the court says:

> That the legislature of Georgia, unless restrained by its own constitution, possess the power of disposing of the unappropriated lands, within its own limits, in such manner as its own judgment shall dictate, is a proposition not to be controverted.

And in the case of *Martin against Hunter, 1 Wheaton,* 325:

> The sovereign powers vested in the state governments by their respective constitutions, remain unaltered and unimpaired, except so far as they are granted to the government of the United States.

These authorities are in direct sustenance of the sovereignty of the states. The doctrines of international law, and the authority of the supreme court, are alike clear and positive, and establish the proposition that the public domain is inseparable from state sovereignty.

But, again, sir, the public lands ought to be given up to the states, because, in their present condition, they stir up and perpetuate distracting political questions. The question of internal improvements is one of that kind. On this subject there seems to be as yet no compromise of opinion. The new states must adhere to their opinions, and the old states are not likely to yield. It is a very singular fact that, while a large minority of both branches of the national legislature deny that congress have the constitutional power to construct roads and canals, while they persist in saying that in constitutional questions, precedents are entitled to no respect; that, although beaten to-day, on an appropriation for a road or canal, they will rally tomorrow, and fight the battle over again—yet by the compacts with the new states, this government stands bound to appropriate five per cent of the proceeds of the sales of public lands to these very objects. Two-fifths of these appropriations are to be expended, under the direction of congress, in making roads and canals to the states; and three fifths to be expended under the direction of the legislatures of the states, to those objects within the states.

If congress have no constitutional power to construct roads and canals, there is no power in existence to carry these compacts into execution; and yet this five per cent is the principal consideration the new states have for not interfering with the primary disposal of the soil. The enemies of internal im-

provements say they have no power in the constitution to make roads and canals; but they are bound by compact, with all the new states, to make roads and canals for their benefit. Surely, then, according to their own construction, they must either give up the compacts or the constitution. But, Sir, strange as it may seem, many members of both houses, who strongly deny the power of congress in reference to internal improvements, adhere with much pertinacity to the compacts, because the moment they are abandoned, the public lands will unquestionably belong to the states.

The question of internal improvements is one which the new states, in the present condition of the public lands, can never yield. It is vain to expect, that, while the lands belong to the federal government, while millions are drained from the country into the treasury of the union, these states will cease to ask aids for the improvements of the country in roads and canals. It is reasonable that they should so ask. The new states have recently seen New York finish her splendid canal. They see Pennsylvania in progress with one no less splendid. They see other states carrying on other public works. These states have all derived revenues, almost inexhaustible, from their public lands; and Pennsylvania, though one of the oldest states, has not yet exhausted that great source of revenue; for, on a recent occasion, she has pledged the revenues to be derived therefrom to the progress of the canal.

The public lands in the hands of the new states, would put those states on an equal footing with the original states. They would be sources of revenue for the improvement of those states, and they would relieve their agricultural interests from the heavy burdens they at present bear to sustain their treasury. Few of the old states are reduced to the necessity of a land-tax to meet their current expenditures; but the new states, having few objects of taxation, lay heavy contributions on their agricultural interests for that purpose. Almost all the circulating medium of the new states is drained in the treasury of the United States, by the operation of the land offices, and the lands thus purchased, are taxed heavily to support the state governments. In no portion of the union is agriculture so much burthened as in the new states.

The public lands should be given up to the states, because the revenue derived from them is a tax on those states, and

has an impoverishing effect upon them. This opinion I know will be controverted. It will be said that every man that buys must expect to pay for it, and that it is no difference to whom that payment is made. It will also be said, that the means of paying for these lands are generally taken from the old states to the new, by purchasers, emigrants to the country. It is true, sir, that it makes little difference to the person paying out his last dollar, to whom he pays it; but to the country it is very important. If he pays it into a land office, it passes immediately out of the country into the treasury here. If he pays it to his neighbor, it remains in the country, and makes a part of its circulating medium. In the one case, every dollar in the country might be employed in the purchase of lands among the citizens, and there would not be a dollar the less of money in the country. In the other case, every dollar would be gone out of the country. A citizen emigrates from an old state to a new, and lays out his money for land. What has the country gained? His person only. The title to a tract of land is changed from the federal government to a citizen; but he is, for the present, impoverished. He increases the demand for a circulating medium in the country, but he adds not a dollar to that medium.

Mr. President, there is no prospective evil too delicate to name, and none, however remote, unworthy our vigilant attention. We legislate not only for the present, but for other times; and it is our duty to guard our free institutions against every thing likely to interfere with the peaceful prosperity of the country at a future day. In this view, sir, the lands ought to be given up to the states, for a reason stronger than any heretofore named; because, in their present condition they offer to the new states the strongest inducement to a severance of the union. What sir, is patriotism? It is the love of country. And can the love of country ever be indifferent to the ownership of the soil, and the tenure by which it is held? Can the people of the new states—and there are no people on earth more patriotic—be indifferent to the fact, that the soil of their country belongs to the federal government, and not to themselves? Suppose the union to be dissolved, and where would be the public lands? All controversy about them would then cease. They would belong to the states in which they lie. Look at the great inducement to this state of things: Look at the character and extent of this country:

How capable of self-government, and its own independence. Seven of the largest states of the union. The finest country on earth. The whole valley of the Mississippi. The noblest rivers on the globe. With three millions of inhabitants. A safe and sheltered sea board, with a commanding position for a large participation in the commerce of the West Indies, South American and Mexican. But the people of these states are devoted to the union. You cannot drive them from the union. They are attached to our republican institutions, and proud of the trophies and achievements of the Revolution. They wish to perpetuate to future ages the liberties of their country and the union of the states. They wish to preserve inviolate the constitution, and ask for that jutsice which will place them on an equal footing with the original states; which will place in their hands the first attribute of sovereignty—the soil of their country. I trust they will not ask in vain.

[WILLIAM HENDRICKS]

ADAMS-CLAY BARGAIN

MADISON 26th, Sept. 1828

Indiana State Journal, October 16, 1828

GENTLEMEN:

Your letter enclosing the proceedings of the Corydon meeting of the 15th of the present month have been received.[1] The proceedings refer to the presidential election of February 1825; to the charge of corruption against Messrs. Adams and Clay in relation to the appointment of secretary of state and to the charge of waste and prodigality against the President, in the expenditure of the public moneys. The meeting suggests my "presence at the seat of government: that I must reasonably be presumed to be acquainted with the character and circumstances of that election, and able to inform, whether such charges are, or are not well founded," and hold me "bound to reply to all respectful applications for light and

1. This meeting was held at Corydon September 15, 1828. The meeting through a committee, Dennis Pennington, John F. Ross, John H. Thompson, James B. Slaughter, and Dr. Benjamin Adams, directed two inquiries to the two senators: First, Do you believe there was collusion between Adams and Clay? Second, Do you believe there has been extravagance in connection with the Whitehouse under Adams? Sen. James Noble answered both in the negative. Noble had favored Crawford in the caucus of 1824.

knowledge from any portion of my constituents." While I cannot but regret the occasion which calls for an exhibit of my opinions on questions of great political excitement, I do not feel myself at liberty to decline explicit answers to the interrogatories put. The meeting, however, is mistaken in the fact of my presence at the seat of government at the time of that election. I took my seat in the senate of the United States, the 4th of March, 1825, arriving at the city the previous day, and have no advantage over any of my fellow citizens, derived from personal observations.

I am asked if I know or believe that there was any direct or indirect understanding between Messrs. Adams and Clay, at or before the last presidential election, in reference to the office of secretary of state. I answer in the negative. It is well known that previous to the last presidential election, I was the friend of Mr. Clay and wished his success, but I voted for the confirmation of his appointment as secretary of state with a degree of reluctance believing that by this course his talents and his prospects would be thrown into the shade. I well recollect my own surprise, that he should consent to leave the speaker's chair of the house of representatives, for the office of secretary of state, and have reason to believe, that he accepted it with regret, as one less suited to his taste and less eligible, than the position he had long occupied in the house.

The third interrogatory I answer also in the negative; and it is here proper to remark, that with the specific appropriations authorized by law, the President has nothing to do more than any other individual. He cannot divert such appropriations from the objects designated by law. It is the contingent fund only over which he has control, and for which he is fairly accountable; and without looking for perfection in any, I have been, and still am of opinion, that his vigilance in his branch of the public service, would well compare with that of his predecessors, and has been generally in good proportion to the scrutiny his public conduct has uniformly received.

I remain, gentlemen, with the greatest respect, your friend and fellow-citizen.

WILLIAM HENDRICKS

State Title to Public Lands

February 11, 1829
Congressional Debates

Mr. [William] Hendricks presented the following joint resolution of the legislature of the state of Indiana on the subject of the right which that state has to the unappropriated lands within her boundaries:

Resolved &c. That this state, being a sovereign, free, and independent state, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries which right was reserved for her by the state of Virginia, in the deed of cession of the Northwestern territory to the United States, being confirmed and established by the articles of confederacy and the constitution of the United States.

That our senators in congress be instructed, and our representatives requested, to use every exertion in their power, by reason and argument, to induce the United States to acknowledge this vested right of the state, and to place her upon an equal footing with the original states, in every respect whatsoever, as well in fact as in name.

That his Excellency the governor be requested to transmit a copy of this resolution to each of our senators and representatives in congress, and to each of their excellencies the governors of each of the following states, to wit: Ohio, Illinois, Missouri, Mississippi, Louisiana, and Alabama, requesting them to lay it before the legislatures of their respective states for consideration, and requesting them to adopt similar measures, if they should deem it expedient.

Mr. Hendricks in presenting these resolutions, said, it had become his duty to present to the senate resolutions of the General Assembly of the state of Indiana, on the subject of the public lands within the limits of that state. These resolutions said he, are similar in character to those of the state of Louisiana a few days ago presented by a senator from that state. They are also in some degree similar to the spirit of a memorial of the state of Illinois, recently presented to the senate by a senator from that state. In these resolutions, the legislature of Indiana has solemnly declared that the state, being sovereign, free, and independent has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, and that this right was reserved to her by the state of Virginia, in the deed of cession of the Northwestern territory to the United States—grounds which, if tenable, as I verily believe they are, strongly appeal

to the justice and to the pride of the senators and representatives of that magnanimous state.

The legislature of the state of Indiana have instructed her senators and her representatives to use every exertion in their power to induce congress of the United States to acknowledge this right, and to place her on an equal footing with the original states. In thus, sir, performing the first duty required of me by these resolutions, that of presenting them to the senate, I hope I shall not be considered obtrusive in a very few remarks which it seems proper for me at this time to make. The legislature have not, in these resolutions, presented the senate with many arguments in support of this claim, nor is it my purpose at this time to detain you with arguments. The basis of this claim though but partially is very strongly set forth in the resolution referred to—the solemn stipulation of the state of Virginia, in her deed of cession, that that portion of the ceded territory now forming the state of Indiana, should when admitted into the Union, be received as a free, sovereign, and independent state, and on equal footing with the original states in all respects whatever; and the inviolability of these conditions as solemnly though silently guaranteed by the United States on receiving that cession. It is believed that the pledge of these lands for the payment of the national debt then existing, does not in the least interfere with this construction: for a long period of time was expected to intervene that period and the admission of this state into the Union; and thirty-two years did actually intervene, in which time it was competent to have sold the lands, or a part of them, and extinguished the debt. That this was the expectation is confidently inferred from the history of those times; and that it never could have been the intention of congress to interfere with those lands after they should have fallen within the boundaries of states admitted into the Union, seems to be quite certain—the article of confederation declaring, that no "State should be deprived of territory for the benefit of the United States."

It is believed that the compact not to intervene with the primary disposee of the soil, and not to tax the lands for a specified period, cannot confer power on the federal government to hold the soil of that state for any other purposes than those pointed out by the constitution, even if that compact

had emanated from authority unquestionably competent to make it, and had been based on policy as unquestionable. There is no disposition to interfere with this compact as long as it has the form of existence in the statute book. But its validity is questioned having been made by the people of the territory before the state was admitted into the union, and its irrevocable character, as well as the perpetual obligation which it attempts to impose on the people of the State, is believed to be a dereliction of a fundamental principle of our institutions, which asserts the right of every free people to change their constitutions and laws, from time to time, as their wisdom and experience may direct. Nor does it seem to strengthen the pretensions of right, to assert that the general government may hold the soil of the state as an individual may hold; for it is by no means in that character she does hold. She holds as a sovereign, and subjects the soil of the state to the uncontrollable action of her legislative power.

But, if in error on these constitutional questions, still there is another point of view that demands our serious attention—the policy, the expediency, of continuing to assert this claim over the unappropriated lands of one-third of the states of this union. It is true, that various propositions came from various quarters relative to the future disposition of the public lands; yet it is very certain that, all are dissatisfied with the present system, and anxiously demand a change. It must be obvious to every one that while the public lands remain in the hands of the federal government, the new states will not, they cannot, be satisfied; because congress is, and must ever be, entirely incompetent to legislate understandingly on the subject; and in saying this, surely no one will understand me as speaking disrespectfully of the national legislature. I appeal to the representatives of the old states, whose duties do not require them frequently to look into this matter, and ask them if they feel conscious of knowing very thoroughly the land system of the new states.

I am very certain that a large majority will answer in the negative. And the reason is obvious; they have other duties quite sufficient to occupy their attention. They are more intimately concerned with the shipping, the commercial and the manufacturing interests of the country. These are their primary interests. But, were they ever so well acquainted with the land laws, is it possible for the senators and representa-

tives of the old states ever to acquire that local knowledge of the country, its present condition, and future prospects, which is absolutely necessary to correct legislation? The legislatures of the states are well acquainted with all these things. They know the qualities of the soil, the necessities of the people, and are better judges of the measures calculated to promote the prosperity of the country for which they legislate.

Need I say that the new states are disturbed and restless on this subject? Does this present a novel spectacle at the present day? Are many of the other great interests of the country less disturbed and restless? Look at some of them. The shipping interest complains of high duties on articles indispensably necessary in ship building, and of the depressed condition of their navigation. The merchants complain of the distraction of their business by the auction system, and the southern states are groaning under the pressure of the tariff. The final extinguishment of the public debt is a period which is generally expected to afford relief. This period will probably arrive in about four years, and we shall then be able to reduce the revenue from twenty-five to ten or twelve millions. At this period the public lands will be released from the debt, for the payment of which, in the opinion of many, they are pledged, and, that difficulty removed, this is the period in which it seems pretty generally expected that the lands will be given up to the states. This event, I fondly hope, is not even so far distant. I hope that, if the constitutional ground of this claim should be resisted, that considerations of expediency alone will be sufficient to induce congress to give the millions received from the public lands, to the sovereignties of the states. On sheer calculation, this government would be the gainer; for the increased population of the country would soon pay you more than that million in custom house duties on imported goods. No one can doubt that the settlers of every new state, in a short period of time, pay more to the government on dutiable goods than they do for their lands. This then would make it good policy to give the lands away to actual settlers, rather than to retard the settlement of the country; because, by so doing, the industry of the people, and the means of consumption of imported goods, would be greatly increased.

There is not, as I believe, any question in this government less understood than the present one. The senators of the old states seem to have fastened about their recollections the 1,-

000,000,000 acres of public lands and forget that nine-tenths of this is without the limits of the United States. This vast amount at $1.25 per acre, is on paper an enormous sum; while the facts are, that your sales in all the States and territories, have averaged less than 1,000,000 per annum, and that, while you had 100,000,000 in market. They seem to overlook the fact, that giving it to the states is but giving it to their own citizens who emigrated to the new states; for locking up the country by the power of the union, fixing a high minimum for the second and third rate lands, and draining the new states of a circulating medium through the land offices, is directly preventing emigration to the country. It is, indeed, depriving the poorer classes of the old states, of the means of procuring lands in the new states and of living there. It is a policy which rallies round the landed interests; and the wealth of those states is oppressive to the poor, and Pharaoh-like, refuses to let the people go. It is a policy which, if well understood, would be as little favored in the old states as in the new. I have said that the final payment of the national debt is a period looked to for alleviation of the public burthens. We have, to be sure, heard it asserted on this floor, not long since, that a party, or class of individuals, existed in this country, favorably inclined to a continuance of the debt; and who, for the sustenance of the manufacturing interests, would keep up the existing revenue. The class of politicians I believe does exist; but, for myself, can only say, that, though in favor of the manufacturing interests of the country, to this class I do not belong. I am for paying the debt, and believe that the ten or twelve millions necessary for the current expenses of the government, including internal improvements, can be so imposed as sufficiently to protect the primary manufactures of the country: for then we may hope that many of them will have grown from infancy to manhood, and will need little protection. The debt once paid, the shipping and commerce of the north, and the agriculture of the south, may be partially if not wholly relieved from their burthens, and that then, if not sooner, the new states may fairly and sanguinely expect the federal government to acknowledge their right of sovereignty over public lands within their limits. An administration pursuing this line of policy will best promote the peace and harmony, as well as the real interests of the coun-

The financial affairs of the nation, are at this time, as they have been for years past, in a most prosperous condition. During the last four years, there has been paid on account of the national debt, $45,303,642.28; and should the same fiscal prosperity be continued to us, which has existed the last year, the debt will in effect, be entirely extinguished in little more than four years. The whole remaining debt, exclusive of the bank stock item of $7,000,000, was on the 1st of Jan. last, $51,362,135.78, and of this the $13,000,000 of the old Revolutionary three per cents will probably be redeemed much below par; so that the actual debt now existing is little more than the amount paid in the last four years; and the best wish the warmest friend of President Jackson can feel or utter is that his administration may extinguish the debt during the presidential term for which he is elected. This would be a civic wreath, no less durable than the laurels that already encircle his brow. Then will the public lands in the new states be released from the heavy weight of the national debt, and their pledge to that object, which has heretofore set like an incubus on the new states, will cease to exist. Then will it be in the power of the general government to diminish the public revenue from 25 to 10 or 12 millions, which will still be necessary for the current expenditures, including internal Improvements, and this amount can be so imposed, as sufficiently to protect the primary manufactures of the country. The high duties at present imposed, as on articles not manufactured at home, may then be totally abolished. The burdens on the shipping and commerce of the northern states, and on the agriculture of the south, may then be lessened, if not entirely removed; and then, nothing deserving the name of excuse will remain, to justify congress in refusing to acknowledge the sovereignty of the new states, in and over their unappropriated lands.

The subject of the public lands is one of much embarrassment even at the present day; nor is that embarrassment likely to diminish while the title and disposition of them, remain in the federal government. A large portion of the time of congress is already employed in legislating on this subject, for the new states under the present system, and for many years past have the tables of both houses been burdened with propositions looking to a change of system. Among these prop-

ositions, that of graduating the price according to the quality has been presented to the senate for the last six years. This graduation bill has been frequently discussed in the senate, and was at the previous session pressed to a decision in that body. The result was unfavorable. The members from the new states seem less inclined than heretofore to press this bill, and in their own soil as incident to, and inseparably connected with state sovereignty.

Resolutions asserting in the strongest terms, the rights of the new states to the unappropriated lands within their limits, have, during the present session, been received from the legislatures of several of those states. Louisiana, Indiana, and Alabama, have taken the same grounds; Illinois has presented a memorial, the spirit of which is very much the same and Tennessee, for the last two sessions, has had a bill before the house of representatives, for the cession of her unappropriated lands to that state. Missouri and Mississippi have memorialized congress to pass the graduation bill. Ohio has as yet made no expression on the subject. The greater portion of the public lands which are of any value in that state have passed into the hands of individuals, or are covered with military districts, leaving her with little interest to contend for; so that it would not be surprising, if Ohio should feel lukewarm, or go into the ranks of the old states on this subject.

But a recent treaty with the Potawatame Indians, held at the Big St. Josephs in September last, their title to a tract of country, of considerable extent in Indiana, was extinguished. It includes the country watered by the Elk Hart, and other tributaries of the St. Josephs, and is supposed to be in extent, about one million of acres. This treaty has been ratified. An appropriation for its survey is made, and some of these lands will no doubt be brought into the market the ensuing year. It is said to be a delightful region of country, and that the tide of emigration to it has already set in.

A bill authorising the occupancy of the mouth of the Oregon or Columbian river, gave rise to considerable debate in the house of representatives. It was supported as a measure necessary for the protection of the fur trade, for the prevention of British encroachments south of the line, and as a measure necessary to ensure us fair participation in the commerce of the South Sea. It was resisted as a measure likely to pro-

duce collisions with the British & Indians in that quarter; on account of the worthlessness of the country, compared with the expenditure necessary for keeping up an establishment there, and on account of the bad policy of settling a colony, or establishing a territory, requiring protection at so great a distance; but above all, on account of the delicate nature of the unsettled boundary question westward of the Rocky mountains. It was negatived in the house of representatives, where it originated. A bill too for the establishment of a territorial government west of Michigan, passed the house of representatives, but was not finally acted on by the Senate.

The foreign relations of the country are in a condition gratifying to the friends of peace. We have, to be sure, pending negotiations, on questions of boundary and commerce with Great Britain, and of spoliations with Denmark & France. But these threaten no inquietude to the country; and the wars of Europe, between Russia & Turkey, and between the latter power & the Greeks have little or no effect on our commerce, remote as those theatres of war are from the Atlantic ports of Europe. We have indeed been under the necessity for years past, of keeping a strong squadron in the Mediterranean, for the protection of our commerce, and the suppression of piracy there; but this independent of the wars of the Grand Seignior, would in all probability have been necessary to protect our commerce against the pirates which continually infest those seas.

The war between the Turks and the Greeks, probably owing more to the destruction of the Turkish fleet at Navarino, than to any other cause, has for sometime past been totally suspended. It has left Greece in a wretched condition. Her cities pillaged and burnt, and the country depopulated by famine and the sword. Her commerce and marine swept from the Ocean, her agriculture almost wholly destroyed, and the nation reduced to the extreme of human suffering and calamity.

The war between Russia and Turkey has been in existence during the greater portion of the last year; but unlike the wars of Napoleon those two powers have had half a million of men in the field, without producing any considerable advantage on either side. A few weeks or months at most, was sufficient for Napoleon to march his armies to any portion of

Europe, withersoever he inclined to go; and with him a single battle would often terminate a campaign, and fix the destinies of kingdoms. In the present war, there is little of the spirit which triumphed at Marengo, at Austerlitz, and at Jena; which conducted the French armies in Italy and on the Rhine.

With much respect, your ob't serv't.

WILLIAM HENDRICKS

THE GRADUATION BILL

May 7, 1830

Congressional Debates

Mr. [William] Hendricks said that the proposition now before the senate was to refer the bill to the commissioner of the general land office for a report, which it would require much time to make. It was well known that that officer, for many weeks past, had been unable to attend to the duties of his office, and that this direction of the bill would be its certain postponement for the present session. He appealed to the magnanimity of the senate, on the unfairness of such a course, and hoped that the senate would not indirectly defeat a bill which was most certainly favored by a majority of the body. The information wished for was in possession of the senate, and had been referred to in progress of the debate. The commissioner of the general land office could have no other information, and could do no more than refer to it on our files, or, perhaps, throw it into a more condensed form. The senator from Massachusetts (Mr. Webster) seems to be favorable to the principles of this bill, but the details do not please him. He believes that lands of inferior quality ought to be diminished in price; but seems unwilling to admit, that having been long in market, and remaining unsold, is evidence of inferior or bad quality. Why, sir, if we wait till we entirely agree on the details of the bills, we can never legislate; we may adjourn and go home. When did the senate, or even a majority of the senate, agree on the details of any bill? All we can expect is, to agree on the principle of such bills as this. The details are less important. The details of this bill, perhaps please not a single member. They do not please me. The bill is not what I think it ought to be, but I shall vote for it,

as the best which can at present be done. Because it contains two important principles—that of reducing the price on lands which have been three years and more in market, without purchasers, to one dollar per acre, and that of giving advantages to actual settlers. I shall vote for it, because it goes further than any provision heretofore enacted, in putting the public lands on easy terms into the hands of the poor—into the hands of the emigrating classes of the old states, and of the agricultural portions of the community in general. This is the proper destination of the public lands. By so appropriating them, we do the greatest good, induce the greatest degree of happiness and national prosperity, with the means placed at our disposal. The senator from Massachusetts would go farther than the bill; but yet he cannot vote for this bill.

Mr. Hendricks said, that he, too would go further than the bill; and it was his purpose to have moved an amendment to it. He had one prepared; an amendment proposing that lands which had been twenty years in market should be sold at fifty cents per acre. But, after all the lower minimums of the bill had been stricken out, and the propositions of the senator from Alabama (Mr. McKinley) to reduce to fifty cents per acre, in favor of actual settlers had also been rejected he saw it was useless to offer any further amendment. He regretted, at the time of it the rejection of the second minimum, that in the descending scale; but now believed that that rejection was fortunate, because the bill had yet as much weight as it could get along with. It was a proposition to which all would agree, that lands of inferior quality ought not to be kept in market at the same price as the best lands.

The districts of country for instance, bordering on the Ohio river, were more rough, and of worse quality, than lands further back. In the state he had the honor to represent, a large portion of these lands had been in market from twenty to thirty years. These lands were still held at the same price as the best lands in the country; and the consequence was, that the country remote from the river was more densely settled than many portions of it near the river.

It had been stated, in the progress of this debate that lands remaining a long time in market, unsold, was no evidence of bad quality; but of the fact that there were not purchasers, that there was too much of the article for the demand. But

surely the opinion, that the surplus population of this country requires no more of the public lands than have heretofore been sold, cannot be correct. Who could look abroad in the community, without seeing thousands, and tens of thousands, who would better their condition by abandoning their present pursuits, and becoming cultivators of the soil? The people of this and every country would betake themselves to agriculture, just in proportion to the means within their power of engaging in it; for, that, more than any other, was the occupation to which man was naturally inclined. Then let the public domain be put more certainly within the power of the poor, and we would see thousands taking up the line of march to the new states, who had not before thought of it; and this state of things would not only better the condition of those who go, but of those who stay in the old states; for, to those who stay, industry would have the more sure and liberal reward, as the hands that were engaged in it should be diminished in numbers. It was the duty of the government so to manage its affairs, as to increase, in the greatest degree, the happiness of the people; and connected with the public lands, this could best be done, by increasing the means of becoming freeholders to those who are already in the country; increasing facility to the emigrating classes of the old states; to the sons of industrious farmers and mechanics of the old states; men of industry and enterprise, whose sphere of action was too much confined in the old states, who have not capital to become farmers, or manufacturers, or merchants there—such men as have energy enough to change country and climate, and to enter upon new theatres of life. It is to such as these, more than any other, both of the old states and of the new, that the public lands of right belong. They promise to make the best possible use of them.

In this view of the subject I feel surprised that senators from the old states should hesitate about supporting this bill. It is a favor to your constituents, gentlemen, as well as the people of the new states, that this bill provides; and perhaps in a much greater degree in your favor than in ours. The great mass of settlers which this bill invites, must come from the old states. In this view, the interests of the old states and those of the new are precisely the same. It can never be the policy of the government to chain the citizen to his

paternal country and soil, in the dread of transferring political power west of the mountains. The great error is, in viewing the old states and the new as having separate and distinct interests in this bill, and in looking at the subject in a pecuniary point of view, instead of that which a paternal bosom feels for the welfare, and happiness, and prosperity of its offspring.

Let, sir, the emigrating classes of the old states, and those who are identified with them by the ties of consanguinity and affection once take a right view of this question, and all will be right. It will then be seen that the just views of the new states, in reference to the public lands, are not appreciated by the representatives of the old states, because by them not well understood, or, if understood, that they are kept in the back ground by the natural prejudice of the old states—prejudices in favor of wealth and political power; honest prejudices, entertained by the most enlightened and best of men. This subject seems right in the old states; and the young men of those states would, with one voice, declare in favor of the policy of the west. Every one of the community, not fettered by property, not to the land of his birth, would accord in declaring in favor of an asylum in the west, to be procured on the easiest terms, for the surplus population of the east and the south. Then there would be a union of opinion in our favor; and in this state of public sentiment, their representatives would unite with us, in preparing, in the new states, homes and firesides for such portion of their population as can never expect to enjoy these inestimable blessings in the land of their fathers.

[WILLIAM HENDRICKS]

CONFIRMATION OF AMOS KENDALL

MADISON, June 15, 1830

Indiana Journal, June 23, 1830

Messrs, ARION & LODGE:[1]

I have seen your paper of May 27th in which allusions are made to the confirmation by the senate of Amos Kendall, as 4th auditor of the treasury. That subject, it seems to me, is

1. Copeland P. J. Arion and John Lodge were editors of the *Indiana Republican* of Madison. Kendall was confirmed by the casting vote of Vice-President Calhoun. The vote of Hendricks caused considerable comment in the senate and was influenced no doubt by the extreme poverty of Kendall.

not correctly understood. I voted for Kendall on precisely the same principle that I voted for Mr. Ingham and others the heads of the departments; because the President being responsible for the movement of the whole machinery of the executive departments, has a right which has not been denied to any of his predecessors, to the selection of his heads of departments, and chief confidential officers around his person. Not surely that Kendall was a man of my choice. But he stood fair before the senate in the testimony of those who personally knew him as a man of good moral character, and his qualifications no one doubted. He had indeed excited a great deal of odium against himself, on account of his prosecutions of his predecessor Tobias Watkins, but for this I did not condemn him, believing Watkins to be a dishonest man, and to suffer justly for his frauds upon the treasury. He had been a printer, but to reject him on this account would have been to proscribe a whole class of American citizens. He had been a heated partizan but the rule that would condemn him for this, would include almost every prominent politician of the last four years. The truth is, that the president's removals from office had given offence to the minority of the senate, and but for this, or, if his nomination had been presented, in March 1829, judging from the unanimity which then prevailed on the subject of nominations, it is not probable, that any set would have been made against him. In addition to this, he had been in office more than a year, and removed his family from Kentucky and abandoned business there. To have rejected him on account of his politics would have been virtually a removal for opinion's sake, that of which so much complaint is made against the president. Of the system of removals I have always disapproved, and believe them to be the chief cause of all the murmurings against the present administration, but finding the offices about to become vacant, it was, in my judgment, my constitutional duty, to vote that they should be filled, in all cases, where nominees of good moral character and qualifications were presented. In this I have the gratification to know, that my course is approved even by some of those who have been removed from office, who nevertheless have requested me to vote for their successors. Neither in this, nor any other case, have I ever in my life, given a vote based in hostility to any man; the president or any other person. And in reference to this administration, and all

others with which I have had any thing to do, my principle of action has been uniform. I have had no disposition to embarrass its movements, have supported its measures when I thought them right, and opposed them when I thought them wrong.

With much respect,

Your Ob'dt. servant,

WILLIAM HENDRICKS

THE TARIFF

Thursday, March 22, 1832

Annals of Congress

Mr. [William] Hendricks rose to inquire of the Chair if it would now be in order to move to refer the whole subject, the resolution[1] of the senator from Pennsylvania [William Wilkins], to one of the standing committees of the senate; and being informed by the president that it would be in order, he proceeded, and said:

It was, then, his purpose, before resuming his seat, and after he should have made a very few observations, to move a reference of the whole subject [tariff] to the committee on manufactures. It must now be obvious that the further we progress in the discussion of these abstract resolutions, the greater will be our difficulties; and the less probable is it that we shall ever agree on any thing. These resolutions have been before the senate more than two months. And surely no member of the body can entertain the opinion that we are in the least degree approaching unanimity; but that, on the contrary, we are further apart now than when we began; and, indeed, the amendment recently proposed, especially in connexion with other amendments suggested, seems to be producing a degree of confusion and a greater diversity of opinion, than has been manifested in any previous stage of the debate.

The original resolutions assert that the existing duties on all unprotected articles "ought to be forthwith abolished," ex-

1. This resolution called for a report by the secretary of the treasury on the tariff laid by foreign government on their imports and the expediency of reducing some of our tariff schedules. The discussion as usual soon took in the whole field of tariff legislation. The main resolution, submitted by Clay, Jan. 16, 1832, provided that goods not in competition with home manufacturer should be placed on the free list.

cept on wines and silks, and that on these they ought to be reduced, and direct that the committee on finance report a bill accordingly. The amendment originally proposed by the senator from South Carolina, [Robert Y. Hayne] declared that the existing duties on all articles, both protected and unprotected, ought to be so reduced as to bring down the revenue to the actual expenditures of the government, after the public debt shall have been paid. On these two propositions, diametrically opposite in principle, and in their effect upon the tariff policy, has the discussion, until very recently, progressed. The latter proposition being, in effect, rejected by a refusal to strike out the first, the senator from Pennsylvania comes forward with a proposition of the middle ground, and, in the discussion, suggests that he has two others which he means to submit; and the senator from New York [W. L. Marcy] has also read us two or three propositions, which he means to submit. Thus we are about to be deluged with every shade of proposition which can be crowded between two extremes and the debate, which we all hoped was nearly brought to a close, is about to take a wider and more interminable range than ever.

Indeed, the original resolutions of the senator from Kentucky [Clay] are fraught with great difficulty, and with much to embarrass the senate; and, decide them as you may, you settle nothing; for when the bill contemplated by them shall be reported to the senate, the whole tariff will be before us. Then any member will be at perfect liberty to introduce any amendment he may think proper, as well to the protected as the unprotected articles. This is the objection to abstract propositions in legislation. In this way you can assert a principle but you cannot regulate its details; and the tariff always has been, and ever must be, almost entirely a question of details. In this is its great difficulty. The principle of the resolution before us is extremely questionable. It is, that the duties on the unprotected articles ought to be forthwith abolished. Now sir, I, for one, am not prepared to say this. While I hold the protective principle sacred, I do not believe in this doctrine. These articles are chiefly composed of what may fairly be denominated the luxuries of life; such as tropical fruits, cordials, perfumeries, and fancy articles almost innumerable. Of the duties on these articles no one has com-

plained on this subject not a voice has been raised from Maine to Louisiana. They consist of articles, the consumption of which is confined very much to the wealthy portions of the community, to the cities and the seaboard. They enter very little into the consumption of the people of the great interior of the country. There are, to be sure, some articles on this list of a different description, such as teas, coffee, and a few other articles, but he was not prepared to say that they ought all forthwith to be abolished. He did not wish to be committed by any such vote. He wished to remain at perfect liberty, after the bill should be submitted, to vote as his judgment might dictate on its details; to take the items, and retain or reject them as he might think proper. He would cheerfully vote to take the duties off teas, coffee, dye stuffs, and such like articles. But he objected to a decisive vote on these resolutions, because of their uncertainty. In examining the existing tariff for the purpose of making out this list of unprotected articles, perhaps no two senators would entirely agree. The resolutions, then, require us to vote in the dark. I have, sir, three lists of these articles before me, differing from each other widely. One is a list contained in a bill reported by a senator from Missouri, (Mr. Thomas H. Benton,) at a former session, another is a list contained in the speech of the senator from South Carolina, (Mr. Hayne) and the third is a list not yet submitted, but prepared for that purpose. This was a conclusive objection with him to the resolutions as they stood before the senate; and this was one of his reasons for the motion he was about to make.

We are commencing a novel and very important work—the reduction of the revenue. This policy is begun in the fear of dreadful evils from a surplus. This evil we have never yet felt; and, for one, he was inclined to wait its approach without any apprehension. Many millions of the public debt were yet upon us, and the evil could easily and speedily be removed whenever it should be found to press us. The prospect of this surplus had heretofore consoled us.

We had heretofore looked to it as the means of a permanent and somewhat enlarged plan of internal improvement. And we in the new states have been looking with sanguine expectations to this period of our affairs for a beneficial change in our land system. He had said that he would vote with great

pleasure to relieve from duties teas, coffee, and some other articles contemplated by the resolutions; and he hoped to have an opportunity of so doing, when the bill should be reported to the senate. But, for one, he should never vote to reduce the revenues of the country to the minimum of current expenditures for this would be a farewell to internal improvements, and to all hopes of any modification of the land system, favorable to the new states. He was aware that it would be said that the resolutions now before the senate contemplated no reduction to this extent; but he could not be indifferent to some expressions which had escaped during the present debate. He had heard the propositions for a modification of the land system spoken of as wild schemes; and that of the secretary of the treasury, looking to their transfer to the states in which they lie, as the wildest of all; and this in the face of distinct expressions of almost every legislature of the new states asking a modification of the system. It had not escaped him, nor did he suppose it had escaped any member of the senate, that, in the various schemes for reducing the revenue, it had generally been affirmed that the revenues of the public lands should remain as they are. For one, he protested against this; and he could confidently assure the senate that the people of the new states, as far as he was made acquainted with their opinions, fully expected some participation in the proceeds of the public lands, as soon as the national debt should be paid; and that without this there would be much dissatisfaction in that portion of the Union. They know that these lands were pledged for the payment of the debt, and for nothing more; and they know that when this debt shall be paid, their proceeds will not be needed for any purpose of the federal government. If they had not known this before, the debate now in progress would give abundantly this information. These resolutions propose to dispense with seven to ten millions of revenue because it is not needed for any purpose of the government, and because the government, under such circumstances, is better without it than with it. These millions are chiefly paid by the wealth of the country, and assessed on the luxuries of life. They are burdensome to no section of the country—complained of by nobody. The revenues from the public lands have, within the last ten years, vibrated between one and three millions. Three millions will be a

large estimate for many years to come. The new states will tell you that it is reasonable that, in the new modification of the great interests of the country, and in the reduction of the general revenue from ten to fifteen millions, for it may safely be thus reduced after the debt shall be paid, that some of these millions ought to be given to the new states; and so the whole union will say that their expectations and their demands are reasonable and just. Especially will the emigrating classes of the old states say so. They will demand of you an inheritance in the new states; and that some of the moneys which they pay into your treasury for the uncultivated forest, shall be expended among them, for the purposes of internal improvement and education. They will tell you that all your allegations about purchasing the soil of the new states with the blood and treasure of the old states are delusive—that they are fallacies. They will tell you, as we tell you, that these things are the offspring of the Revolution; and that we are the sons of the Revolution as well as you; that, in this sense of the phrase, you have no right to say to us that you are exclusively the old states. The people of the new states will tell you, that while you enjoy the cultivated fields, the ease, the comfort and the enjoyments of the old states, it is but reasonable that their own means should be employed in making the same improvements in their own country, which they helped you to make in yours, before they left you. This, sir, is my view of the subject, but I will not longer detain the senate. Mr. Hendricks then moved that the whole subject, both the resolution of the senator from Kentucky, and the amendments proposed by the senator from Pennsylvania, be referred to the committee on manufactures.

[WILLIAM HENDRICKS]

INDIAN AFFAIRS—MIAMIS

January 14, 1830

Congressional Debates

Mr. [William] Hendricks said he would vote for the appropriation which the bill proposed; and although it might be that the whole amount would not be required to defray the expenses of holding the treaty, yet he was confident that what-

ever remained unexpended for that purpose would not be lost; it would be returned to the treasury.[1] He considered the opposition to this bill arose from a misconception, as well of its principles, as of the objects it had in view; and he was confident when gentlemen came to a correct understanding of these points, their opposition would cease. It was impossible to treat with the Indians without making them presents. We must treat with them as they are, and not as the senator from Maine [Peleg Sprague] and the senate would wish them to be; and it would be idle to think of entering into any negotiation with them without making an appropriation adequate to subsist their women and children, who always accompany them on such occasions. Mr. Hendricks illustrated the necessity of such an appropriation, by a reference to the treaty of the Wabash, in 1826, at which he was present.[2] Fifteen thousand dollars had been appropriated to defray the expenses of holding that treaty—to feed them on the ground; and for that purpose the appropriation was, perhaps, sufficient. But the commissioners found it necessary to advance them goods; to one tribe upwards of thirty thousand dollars, and twenty or thirty thousand to another. For this purpose it was necessary to purchase on the ground, at exorbitant prices, to indemnify the merchants for the contingency of an unauthorized transaction, and a subsequent appropriation by congress. It is obvious, that, under such circumstances the government must have paid more for advances in goods than would have been necessary if the money had been in the hands of the commissioners. We would have ample security that the funds would be reimbursed, and the advances properly accounted for, if the senate should not ratify the treaty; for we pay these Indians, at the present time, large annuities, which place it in our power to indemnify ourselves for any loss we may sustain. We pay to the Miami Indians twenty-five thousand dollars, as annuities, and we can retain these sums, and cover advances, should the treaty not be ratified. Such stipulations

1. This bill provided for an appropriation of $10,000 to purchase presents for the Miami Indians to induce them to cede their lands along the line of the Wabash and Erie Canal. The settlers were clamoring for the removal of the Miamies—about 4,000 in number. The eastern senators as usual opposed it and could see no reason for removing the Miamies while so much public land remained unsold in southern Indiana.

2. This subject was dealt with by Governor Ray in his message of 1829, *House Journal, 1829*, p. 36. The legislature responded with a joint resolution asking congress to remove both the Miamis and Pottawatomies. *Laws of Indiana, 1829*, p. 176. See also speech of Sen. Noble of Indiana, *Cong. Debates*, Jan. 14, 1830.

were made in the treaty of the Wabash, and he presumed they would be inserted in any treaty which should be hereafter made.

But to the necessity of the treaty. The Miamies, consisting of about eleven hundred souls, principally reside on a few reservations on the southern shore of the Wabash. Through these reservations the Wabash canal had already been located. True it is that, by the treaty of 1826, the state has a right to make this location and to appropriate six chains in width for the use of said canal; but nothing could be more obvious or certain than that the intercourse between the Indians, and the whites already surrounding them, together with the laborers on the canal, within their own territory, would engender strifes and animosities, which would terminate in blood. This tribe is perhaps the most vicious and depraved on the continent. They exhibit human existence in its worst and most degraded form. Surrounded by the white population, it is impossible to exclude them from the use of ardent spirits. They get drunk and commit murders, not only on their own territories, but in the organized counties of the state. The present seemed to be a proper time to give additional impulse to the humane and judicious policy of settling them west of the Mississippi. Various circumstances induced this belief. The legislature of the state would probably at its present session extend the jurisdiction of her laws over the Indian territory, as the states of Georgia and Alabama had heretofore done. He had just seen a paper from the seat of government of that state, which informed, that the judiciary committee of one branch of the legislature had reported favorably to that object. This would strongly incline them to emigrate. He had recently been informed of another circumstance. A murder had latterly been committed among themselves in the county of Cass, adjacent to their boundary. The murderer was an influential person of the tribe. He had been indicted, and well knew the penalty of the law in such cases. It was not probable he would ever be taken nor was it desirable he should. He would go beyond the Mississippi, and his clan would follow him. Others would follow in the rear, and the inclination to sell, if not now universal, would soon become so. The Pottawattamies were much more numerous than the Miamies, and their country more extensive, but less valuable in proportion to its extent. There were but the two tribes

in the state; their numbers about four thousand; their territory between four and five millions of acres. The present seemed to be a propitious moment for extinguishing their whole title, and for getting them out of the state, and he hoped the bill would meet the approbation of the senate.

HENDRICKS TO HIS CONSTITUENTS

WASHINGTON CITY, March 2, 1833

Indiana Palladium, March 30, 1833

The present session has been one remarkable for the magnitude of the questions entertained by it. The Tariff, the bill having reference to South Carolina affairs and the bill on the subject of the Public Lands, have been absorbing topics but on these, bills have passed both houses.

An attempt was made, at the last session of Congress to adjust and finally settle the tariff. A law then passed materially modifying it and reducing the revenues much below the receipts of the law of 1828. This bill passed in the hope that it would tranquilize the stormy elements of the Southern States and allay the dangerous excitement existing in that section if it did not give entire satisfaction as a final adjustment of the question. Such indeed was the opinion expressed by Southern members, a large majority of which voted for the bill. Vain however has been the expectation, for the short interval between the last and present session has been actively employed in sowing the seeds of disunion and in producing the present distracted state of our common country. The present session had scarcely commenced when the anti-tariff party, commenced a series of operations, which at an early period of it, produced a bill in the house of representatives, on which that portion of the National Legislature has been chiefly employed ever since. The Secretary of the Treasury had said in his annual report that the revenue after the present year would admit of a further reduction of $3,000,000 and this was the hinge on which has been hung all the anti-tariff movements of the session. But this was a mere estimate which might or might not be correct; for the tariff of July 1832 has not yet gone into operation and no one can tell with certainty what its effects on the revenue will be. Nor was it proposed to pass any bill to go into operation before the next

session of Congress. Yet so much has this subject been disturbed, under all these circumstances, that it has literally occupied the House of Representatives all winter, to the exclusion of almost everything else. This has become the great exciting interest of the country and to it aspiring and ambitious politicians look for elevation. One of its greatest evils is, the combinations it produces, and that it is viewed as the political ladder to the Presidency of the United States.

The history of this matter is too long for a letter. It may be traced back to the embargo times of 1807 and up to the declaration of the late war with Great Britain. Then the people of the Northern states were seafaring men, ship builders and mariners and the people of the South were planters and to a limited extent manufacturers. The embargoes had crippled and rendered precarious the shipping interests of New England and they were driven to the course of policy dictated by the South; a policy which kept them more on land, and less on water and which shaped and imposed the tariff system on the people of the United States. Ships, commerce and free trade were not then so much the language of the South, as independence of England and Manufactures at home. The Northern and middle states fell of necessity into these pursuits and now millions and perhaps hundreds of millions, are invested in manufacturing establishments and endangered by a determined hostility against the tariff. The tariff will no doubt be further modified and reduced, for the public debt being paid, ten or twelve millions a year of the revenues, necessary heretofore, can be dispensed with, but that which will still be necessary, ought to be levied, with a view to our valuable manufactures. The protective principle cannot be yielded without yielding much of the prosperity and independence of the country.

The extraordinary proceedings of South Carolina has more than any thing else, disturbed and embarrassed the present session and agitated the public mind throughout the United States. To these may be traced the solicitude about the tariff and the passage of a bill through both houses which is not to take effect till the first of January next, while a law of the last session, exists on the subjects which has not yet gone into operation.

The people of South Carolina had met in Convention and

declared the revenue laws of the United States null and void, declared void the revenue bonds and prohibited an appeal to the supreme court of the United States. Her ordinance required all officers, civil and military, to take an oath to enforce its provisions and obey the laws of the state in aid of it; requiring jurors also to be sworn to the same effect. It declares that all legislation on the part of Congress, authorizing the employment of force against that state or its citizens, will cause her to secede and break off forever her political connections with the Union. The legislature had enacted that if an officer of the United States, civil or military, should attempt to enforce the laws of the United States, or resist the ordinances and legislative acts of South Carolina, the governor should be authorized to call out such portions of her militia, as might be required to meet the emergency. In short South Carolina was, and is, more like a military camp than a peaceful state of the Union. Under these circumstances, the President in his message of the 16th of January, informed congress that an emergency had arisen in the State of South Carolina, which rendered the execution of the laws of the United States, in that state impracticable and recommended such measures, as, in his opinion were necessary to meet the case. This resulted in "A Bill further to provide for the collection of duties on imports" which passed both houses with great unanimity and has become a law. This bill is what its title purports it to be and has for its object the due execution of the laws of the United States and the prevention of conflict with the constituted authorities or the citizens of the state. For this purpose the President of the United States is authorized to remove the custom houses to secure places within the harbors, either upon land or aboard a vessel and the custom house at Charleston has, some time since, under a previously existing authority, been removed to Castle Pinckney.

A crisis had indeed arisen and it would have been delicacy inconsistent with duty to stand still and see the revenue officers of the General Government fall victims of the military power of South Carolina, already organized for that purpose. That state must abandon her position or there must be complications the most unpleasant. Her demand that the obnoxious revenue laws of the United States be repealed and the protective principle abolished can never be complied with.

Nor can she be recognized as the sole judge of all the cases of difficulty she may think proper to raise with the United States. Her doctrine too that a majority in this government cannot be permitted to rule is perhaps more inadmissable than any other. It is, in itself, anti-republican and at war with the doctrine of all former periods of our history, and yet strange as it may appear, this doctrine is openly and boldly avowed by the leaders of this new school.

Notwithstanding these things, it is by no means probable that South Carolina will resist the execution of the United States laws unto blood. A consciousness of being in the wrong will make the lion hearted pause, even on the field of battle. And this is believed to be the feelings of the leaders of South Carolina. Already indeed have indications of a wish to retreat from her extraordinary position been shown, and the tariff bill recently passed, can be viewed in no other light than as affording her an opportunity of withdrawing from her untenable ground. Her convention is soon to be assembled a second time, when her ordinance will probably be modified or repealed, and a returning sense of moderation promises to the friends of Union and good order, an ascendency in the states.

The Public lands seem to be a never-ending source of trouble. For the last ten years propositions have been made and renewed every session to reduce their prices and especially in the old Districts where they have been long in market and remain unsold. Propositions, too, to graduate the price according to quality and to give advantages to actual settlers, have as often been made and as often rejected. On this subject a preponderating power of the old state is against us and the policy of giving to the new states a larger percentage upon the sales, and of dividing the residue of their proceeds among the several states, is the only thing practicable either at present or in prospect. Accordingly the bill which passed the Senate last year has again passed both houses and gives to the new states twelve and a half per cent upon the money received in cash, in addition to the five per cent heretofore received, and divides the residue among the states, old and new agreeable to their representative population; the whole to be applied by the legislatures of the States to such objects as they may think proper. The quantity of 500,000 acres of land for internal improvements is also granted to such of the new states

as have not heretofore received grants for such purposes, and, to such as have received in such grants a lesser quantity, that deficiency is made up. The bill expires by its own limitation in five years, when the old system of paying the money into the treasury will revive, unless other provision be created by law. The distribution plan to be begun from and after December 31st last. In estimating the bill it ought to be borne in mind that in contending for that which we prefer, but have no prospect of getting we are losing every year large sums, which this bill would give us, and it is not an unreasonable calculation that this bill will, in five years, be worth to the state of Indiana a million of dollars.

Another pre-emption law has passed in favor of those who were prevented from making their entries in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same had been exempted from sale in consequence of a disputed boundary between two states, or between state and territory, permitting all those to enter their lands within one year after the land is surveyed or the land attached to a land district.

A land office has been established for the sale of the lands recently purchased from the Indians.

No law has passed during the present session establishing post roads and of course the numerous applications on that subject must be deferred till next session.

The treaties recently made with the Pottawattomie Indians in Indiana have been ratified and appropriations to carry them into effect have also been made.

Other appropriations for the continuation of the Cumberland road have been made and of them $100,000 to be applied within the limits of Indiana. Appropriations for the thorough repair of that road east of the Ohio have also been made and the road east of the river has been delivered up to the states of Maryland, Pennsylvania and Virginia, through which it passes, for preservation and future repairs. Tolls sufficient for that purpose only will be collected. So much of the road as is completed in the state of Ohio has in like manner been yielded to that state.

The Georgia question connected with the imprisonment of the missionaries is finally settled. The missionaries have dismissed their suit in the Supreme court of the United States

and been set at liberty. They were offered pardons after their conviction and before they were imprisoned on condition that they would not again violate the laws of the state. This course was originally accepted by all in like case offending save two Worcester and Butler who rejected it, went to prison and appealed to the Supreme court. The law of Georgia under which they were imprisoned has since been repealed. They have dismissed their suit and been released from prison by the Governor of Georgia. Thus has terminated this unpleasant affair, begun in rashness, continued in obstinacy, but ended in peace, and having produced no other effect than an unnecessary degree of excitement which the times recently passed by were calculated to foment and increase.

Our relations with other Government are peaceful and the state of Europe which for the last year has been threatening a general war on that continent is more tranquil than heretofore. Poland incapable of further resistance has settled down under the domination of Russia. The affairs of Belgium and Holland since the capitulation of Antwerp are pretty much at rest and hostilities have ceased. The squadrons of our navy are still stationed and employed in the Mediterranean, the West Indies and the Pacific. Our flag is respected abroad and prosperity is unexampled at home, and while we continue to cherish and love our own Government our republican free institutions and the Union of the States we are destined to a place highly elevated among the nations of the world and to become more and more conspicuous as an example favorable to the best interests of mankind and the liberties of the world.

With much Respect

WILLIAM HENDRICKS

BLACK HAWK INDIAN WAR

June 11, 1832

Annals of Congress

Mr. [William] Hendricks said he was in favor of the amendment by the Senator from Indiana [John Tipton], and that he had a few words to say, chiefly applicable to filling the blank, should the amendment proposed be adopted. The bill, as it originally passed the senate, proposed the mounting of

a corps of infantry for the protection of our inland frontier. It had no reference to the recent troubles of the northwest, but had its origin in a belief, entertained for years past, that this description of troops was better suited to the service in that quarter than infantry on foot.

This bill has been modelled in the house of representatives, in direct reference to the Indian war now raging between the Mississippi and Lake Michigan, and proposed as a substitute the raising of one thousand gun men, volunteers, corps organized, or to be organized, as the president might direct; to continue in service, or be dismissed from it, as his discretion might see fit. The amendments proposed, look not so much to the present crises, as to the permanent defence of the country, and contemplate a corps of mounted rangers on the model of those employed on the frontier during the late war. This latter purpose I approve, and believe the latter description of troops decidedly the best adapted to the service, and the most efficient that can be called into it. This was the testimony, he believed, uniformly given in favor of the corps during the war, from the frontiers of the Ohio to the Mississippi river. These troops were more active, energetic, more rapid in their movements and as brave as any others that have heretofore ever been employed in the service. They were, indeed, citizen soldiers, having all the advantages of discipline, and all the interests of the country concentrated upon them. It was his opinion that so much better were these corps suited to the defence against Indians, that five hundred of them would be better than the one thousand proposed by the amendment of the house of representatives. He wished this corps to be organized as the bill proposed, to be made a corps of the army, officered as the rangers were the last war, and this could be done, as it then was, either by arbitrary appointments of the president and senate, or by selections of the officers on the part of the companies, these selections being afterwards sanctioned by the appointing power; for in both ways were the companies of rangers officered during the war. He would also pay these troops as they have been heretofore paid; would give them one dollar per day, and require them to find their own rations, clothing and horses. He would, at a proper time, move to fill the blank with six hundred, with a view of their being organized into six companies, which would in his

opinion, after the present crisis should pass away, be abundantly sufficient for the protection and tranquility of our whole exposed frontier. The officers would be continued in the service as long as the service might need them. The men would be enlisted for one year, unless sooner discharged; and whenever it should be thought advisable, the whole corps, officers and men, could be instantly disbanded.

Mr. Hendricks remarked that all the objections to the proposed amendment could, in his opinion, be readily answered. It had been said that the raising of rangers would be a measure of delay, and that the volunteers proposed by the amendment of the house were already in the field. We had been urged in favor of the bill as it came from the house, by considerations of the present emergency on the frontier. He, for one, did not feel himself legislating for the present emergency at all; that emergency had in all probability, before this, passed away. The Indians were no doubt dispersed, and sheltered in the deep forests of the northwest; and if this were not now the fact, it would be so, long before any troops we could raise by the bill could be brought into the field. For the present emergency, there were already too many troops in the field, more than could be employed; they were in each other's way; and the greatest difficulty they would feel, would be the want of supplies. Communications from the seat of war had told us that four thousand Illinois militia were already there, and that this number was daily increasing. The militia from the western counties of Indiana had also marched to the point of danger. He had seen a letter this morning, informing that the governor of Indiana [Noah Noble] had ordered a brigadier general, with his whole command, to repair to the frontier, if, in his opinion, such force might be needed.

We have even heard of movements of the militia in the state of Ohio. It was idle to suppose that the first emergency could be aided by the bill now before the senate. There were, or had been, probably five men in the service where one was needed. This was creditable to the militia of the new states. It was a part of their history, that they simultaneously repair, en masse, to the point of danger.

Sir, in voting upon the measure now before the senate I feel myself called upon to provide an efficient corps for the protection of tranquility on the frontier. Such force he

thought necessary, although the recent speck of war should have wholly disappeared; for it would be recollected that the recent disturbances have not been the first which, within the last few years, have been excited by these tribes on the upper Mississippi. They repair yearly to Malden and Fort Drummond, and receive large presents from the British, and feel that they have a resting place without the limits of the United States. Future hostilities may be expected from them. This, their past history, as well as their present feelings, induces us to expect; and for this state of things it was our duty to provide six hundred men, organized into six companies. Two companies to be raised in each of the states, Indiana, Illinois, and Missouri, mounted and kept in motion, would be a sufficient protection for the whole line of our exposed frontier.

Rangers Black Hawk War

Senate Chamber, 16th June, 1832

Indiana Journal, July 8, 1832

Governor [Noah] Noble

Dear Sir:

We have just received and read yours of the 7th present month, and hope we shall be able ere leaving this to procure funds for the pay of such portions of the militia of Indiana as have been called into service, and also to meet all necessary engagements for provisions. An appropriation for purposes of this kind has already passed. It is also proper for us to inform you that a law has passed authorizing the raising of 600 mounted rangers for the protection of the northwestern frontier. Of this force it is expected that two companies of 100 men each will be raised in Indiana, and we understand that Lemuel Ford, of Charlestown, and Benjamin V. Beckes, of Knox county, have been designated by the President to raise these companies.

There need not be the remotest doubt of a most efficient protection of the frontier in a very short period. Genl. Scott, of the army, as we are informed, has been ordered to the seat of war, and as much of the army as are at posts within reasonable distance will be immediately concentrated on that frontier. Chicago will be strongly garrisoned; the condition

of the most exposed settlements of Indiana will soon be one of the most perfect security and it is hoped that alarm will wholly cease.[1]

With great respect,

Your obedient servants,

WILLIAM HENDRICKS
JOHN TIPTON

HENDRICKS TO HIS CONSTITUENTS

WASHINGTON CITY, March 2, 1831

Indiana Palladium, March 19, 1831

SIR:

The ordinary business of the Session has been greatly interrupted by the impeachment of Judge Peck.[2] This was a case of much interest owing to the novelty of its eccentricity, the magnitude of its personal interest, and the legal principles involved as well as the array of talent employed in the prosecution and defense. These were well calculated to attract public attention to it throughout the Union. Other considerations too came in aid of its own importance to give it magnitude before the American People.

The feelings of some portions of the South in reference to the Judiciary Powers of the United States and the movement in the House of Representatives having for its object the repeal of the 25th section of the Judiciary act of 1789 conspired to give everything on this subject an air of importance both here and elsewhere which in other times would not have been seen or felt. The impeachment terminated, as is generally believed, in the acquittal of the Judge, and the proposition to repeal was promptly met in the house of representatives and the bill rejected on the second reading by a vote of nearly three to one.

The financial affairs of the general government are, as they have been for many years past, in a flourishing condition. The whole public debt of the United States amounted, on the first of January last, to $39,123,191.68, and the operation of the

1. For a discussion of the Black Hawk War in Indiana see Esarey, *History of Indiana.*

2. This was James H. Peck, judge of the U. S. district court for Missouri. Congressmen McDuffie, Buchanan, Spencer, Storrs, and Wickliffe represented the House. William Wirt and Judge Meridith defended.

sinking fund is rapidly diminishing it. Payments amounting from ten to twelve millions are annually made on the principal and interest of the debt and it requires no financier to determine that in a very few years, the revenue remaining as it is, it must totally disappear. But the anti-tariff spirit which is always in motion, would constantly be employed in modifying, if it would not entirely destroy this ample source of revenue. To show everyone its importance it will be sufficient to state that the receipts from all sources into the treasury during the year 1829 amounted to $24,827,627.38, and of this sum the customs, or in other words, the Tariff upon imported goods produced $22,681,965.91; the sales of the public lands, in all the new states and territories, about a million and a half; the state of Indiana paying nearly one third of that amount.

From this view of the case it is obvious, that when the debt shall be paid, we shall have a large surplus and it is proposed to substitute the present plan of internal improvements for a distribution of these surplus revenues among the states. The plan, viewed at a distance, is quite plausible. Its indorsements may be many but the difficulties will be great, and it will at all events be better to adhere to the old system from which much good has been realized, till we get another ready for adoption. The new system has been broached in the hope that it will do away much of the constitutional objections to roads and canals against which the present mode of appropriation has been struggling for years. But if the distribution scheme be liable to the same objection, and will require an amendment to the constitution before it can be adopted, we may bid farewell to all hopes resting on that basis. That it will require such an amendment of the constitution is the opinion very generally of those who oppose the present mode on constitutional grounds. A small sum, compared with the ample means of the Union, would lay the foundation of a system which would keep itself in activity and progress with works of incalculable benefit to the country. Let, for instance, $10,000,000 be embarked, and judiciously expended, in aid of companies formed in the states, to works of primary importance, works which will, with all reasonable certainty, in a short time after their completion place their stock at and above its par value; and when this shall take place, sell out the government shares, and make new investments in other sim-

ilar works. This is the view of the subject, which I have had for many years past. The United States have stock in the Delaware and Chesapeake canal; this canal has already realized beyond the most sanguine expectations of its friends, large dividends to its stockholders; its stock is now but little below par and is fast on the rise. When it shall get to par, sell it and make another judicious investment of the capital. So with the United States stock in the Louisville and Portland canal when it rises to par, sell it and invest it elsewhere, say in the Wabash canal. It is easy to see that the still and silent operation of capital which might gradually be invested without being felt by the treasury, would have a magic power in the improvement of the country.

An objection to the distribution [of Surplus Revenue] scheme is that on the basis of representation the new states which will need most will get least. But the greatest danger of all is, that the revenues of the country will be so modified there will be nothing to distribute.

Appropriations for the Cumberland Road in the state of Ohio, Indiana and Illinois, have passed both houses.

These are $100,000 for Ohio $75,000 for Indiana and $66,000 for Illinois. It is proposed to go on with the grading and bridging in Indiana with a view of putting the whole road as soon as possible in a condition to be useful. Other road bills are on the files of the senate, but so little of the time of the senate has been employed the present session in legislative business that it is not probable they will be reached.

A bill making an appropriation for improving the mail road from Louisville to St. Louis by way of Vincennes, it will be recollected, passed the senate last session long before its termination, but was not considered in the house. It would require little time in the senate, could it be reached on the orders, and should it pass the house it might, having heretofore been acted on by the senate, yet become a law.

The great Indian question of the South may be considered at rest. The ratification of the Choctaw treaty leaves little with which to keep up public excitement. The tribes of the South, strange as the statement may appear, have for years been transferring themselves, of their own accord, west of the Mississippi, and the tribe just named, has, since the formation of the treaty last summer, been removing in great num-

bers. It is believed that of the Choctaws, say 17,000, about 5,000 have already gone, and a large portion of the residue have since been making preparations to go. The treaty with them is very liberal, and in other times would, no doubt, have been objected to, on account of its weight upon the treasury. Individual reservations are guaranteed to those who choose to stay, and ample provision is made for those who wish to go. A treaty with the Chickasaws has also been entered into, but has not yet been submitted to the Senate. It is based on the condition, that exploring parties of that tribe, delegated to examine the country to be given in exchange, shall report favorably. These two tribes will soon settle themselves west of the Mississippi. A part of the Creeks has already gone, in virtue of treaties made with them several years back, and the Cherokees, the only remaining tribe in the Southern states, have also been going westwardly for sometime past.

Those of the Cherokees already settled west of the Mississippi river are said to be in a flourishing condition. They inhabit a delightful country, abundant in all the necessities of life, and near the far-famed salt regions of the West. The Cherokees are supposed to be in numbers about 15,000 and the general condition of those west is said to be greatly superior to those east of the river.

The law of last session for the removal of the Indians, when they should be willing to go has been liberally censured as well as those who sustained it, and although it only appropriated half a million it has been so often associated with wild calculations, that thousands no doubt have received the impression that it contained the appalling sum of more than twenty millions. Our own legislature had frequently approved the policy of the government in the Indian removal question but this was either denied or admitted to refer to their removal, on principles totally different from those of the act spoken of.

In the memorial of the General Assembly, of February 1830, just one year ago, there is the following language:

> To endeavor to avert from the Pottawattomies and Miamies the fate which has attended many of their kindred tribes, is a duty sanctioned by a regard for the national reputation, and by every humane and philanthropic consideration. As the best means of accomplishing so desirable a result, and of securing the happiness of the aboriginal race, your memorialists respectfully and earnestly urge the adoption of meas-

ures to induce the Indians within the state to abandon from choice those narrow forests where they can now acquire but a preparious and scanty subsistence and to emigrate to the country west of the Mississippi, which is much better adapted to their wants and their habits. The benevolent and patriotic views and recommendations of the President of the United States, on this subject of which they tender their cordial approbation, render it unnecessary for your memorialists to offer arguments in detail.

It has been a fit subject for political excitement, in which politicians led the van, while an array of the best men and the best feeling followed in the rear. The excitement is indeed dying away, but so great is it still, that our tables have been loaded with petitions and remonstrances, protesting against the law, and requesting its repeal, denouncing the treaty and petitioning the senate that it might not be ratified; when if this law had been repealed, and the treaty rejected, staravation inevitably awaited the Indians. So general has been the wish and so loudly expressed on the part of this tribe, that the treaty be ratified, that party feeling in a great measure gave way, and the journals of the senate, shew but twelve votes in the negative. Humanity demanded the ratification and will rejoice at the result. If the laws of Georgia and some of the other states are cruel toward the Indians, then surely any legislative provision which enables them to get away from those laws, and makes their condition better than it ever was before, must meet the approbation of all.

The law of last session has been censured, as having for its object a total change of our policy toward the Indians; as authorizing individual contracts with them, instead of treaties, through authorized chiefs; contracts which were not to be submitted to the Senate for ratification, and to any amount, however enormous, beyond the appropriation. Those who voted for the law have been arraigned before the American people, for these unheard of exertions of legislative power, and of cruelty toward the Indians. They could only say that nothing of the kind was intended or authorized, and that nothing of the kind would be done. The occasion has passed by. The Cherokees have refused to treat, and the law is to them a dead law. The Choctaws have treated and the treaty has been submitted to the Senate for the sanction of that body. Instead of an expenditure of $24,000,000, the appropriation of half a million is only in part expended.

These things being so, the conclusion is not to be resisted, that false alarms have been sounded, and that the people have been deceived. I have changed no opinion for the last ten years on the Indian question. I voted for the law of last session and every subsequent reflection justifies the deed. I do not approve of the legislation of the Southern states on this subject; but a difficulty now exists, and it seems better to settle the difficulty, by the removal of the Indians, with their consent, than by arraying the power of the Federal government against that of the states. It is said that the president has power to protect the Indians in the rights secured to them by treaties. Grant this: but whenever the laws of the United States have to be enforced, at the same time, in several of the states by the military arm of the government, then farewell to the Union. This is a crisis which has never arisen in the Government. When it shall come it may emphatically be said that the days of the Republic are numbered.

On land subjects very little will have been done the present session. The bill to reduce the price of a portion of the public lands and to grant a preference to actual settlers, which passed the senate last year has not yet been finally acted on by the house and again is before the senate. Another relief law has passed both houses and is as follows:

Be it enacted, etc. That all purchasers, their heirs or assigns, of such of the public lands as were sold on a credit for a less price than fourteen dollars per acre, and on which a further credit has been taken under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States on account of the balance due thereon not having been paid or discharged, agreeably to said relief laws, shall be entitled to patents, without further payment, in all instances where one dollar and twenty-five cents or a greater sum, per acre, shall have been paid; or where payment to that amount shall not have been heretofore made, such purchasers, their heirs or assignees, shall have the right of pre-emption until the fourth day of July, one thousand eight hundred and thirty-one, by paying into the proper land office such sum, in addition to the amount heretofore paid, as will, together, amount to the minimum price of the lands of the United States, at the time of such payment.

SEC. 2. *And be it further enacted,* That all such occupants of relinquished land as are contemplated and described in the second section of the above recited act, to which this is a supplement, as are in possession of land which was sold on credit, for a less sum than fourteen dollars per acre, shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity

of two quarter sections in contiguous tracts or contiguous to other lands held by such occupants respectively, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into a proper office, for all land originally sold for a price not exceeding five dollars per acre, one dollar and twenty-five cents per acre; and for all lands which originally sold for more than five dollars, and not exceeding fourteen dollars per acre, the amount of the first instalment heretofore paid; such occupants first proving their possession respectively, in conformity to the provisions of the said act, to which this a supplement, in the manner which has been prescribed by the Commissioner of the General Land Office, pursuant to the provisions thereof: Provided, however, That in all cases where proof of possession has been already made under said recited act, proof shall not again be required, unless the applicant choose to take other land than that to which such proof applies.

SEC. 3. *And be it further enacted,* That the provisions of this act shall extend to all town property of which the Government has been proprietors, and not subsequently sold, when full payment has not been made; *Provided,* The original purchasers, or their assignees, pay into the proper land office, on or before the fourth of July, one thousand eight hundred and thirty-two, one half of the original purchase money, without interest.

Approved, February 25, 1831

A Bill authorizing the subdivision of 80 acre lots at private sale; A supplement to the pre-emption law of the last Session, a bill putting the saline lands fully in the power of the Legislature of the State, and a bill sanctioning the selections heretofore made of the Michigan road lands, and authorizing the selection on the part of the state of other lands in lieu of those sold, have passed the Senate.

The question of rechartering the Bank of the United States has already been agitated in the Senate, and leave was refused to introduce a joint resolution declaring that the bank ought not to be rechartered. The present charter does not expire for some years to come, and the agitation of the question at this time, was considered premature and improper. Of course nothing of favor, or the want of it, toward the Bank, can fairly be inferred from the result of the proposition.

Our foreign relations remain as in years past, undisturbed. Peace with all, and an enlarged sphere of commercial intercourse with some, at the present exists. Many of the nations however, of the old world, as well as the new, with whom we have treaties of amity and commerce, are greatly distracted at home, and embroiled with each other. A revolution has taken place in France by which the reigning monarch has been put

down, and another of the Bourbons raised to the throne. Great inquietudes have recently prevailed in Paris, and the French throne does not appear to rest on a stable foundation. An extension of the elective franchise, is impatiently demanded by the people, and public order, and public law is enforced by the guards, the military power of the nation. A revolution has taken place in Belgium. The reigning monarch is dethroned but the question of succession is not yet settled. A revolution has also taken place in Poland, and the Grand Duke Constantine has retreated from the capital, and placed himself under the protection of his brother Nicholas, the emperor of Russia. Since the dismemberment of that Kingdom, the Poles, of themselves, have never assumed an attitude so warlike, they are preparing for a vigorous defense against their oppressors and the armies of Russia are rapidly concentrating on their frontiers.

With great respect your obedient servant,

WILLIAM HENDRICKS

INDIANA MEMORIALS UNITED STATES BANK

Monday May 26, 1834

Annals of Congress

Mr. Hendricks presented five memorials from Indiana, all remonstrating against the measures of the executive in regard to the Bank of the United States, and praying for the restoration of the public deposites to that institution, with the recharter of the bank.

Mr. H., in presenting this memorial said: It has, Mr. President become my duty to present to the senate a memorial on the subject of the bank, the deposites, and the currency. I have received, and am requested to present a memorial, or rather five memorials, of the people of Switzerland county, and state of Indiana—all, however, of the same import and tenor, having been circulated in different parts of that county: and sir, I am advised by a correspondent from whom I have received these, that there are ninteen others in circulation, which may soon be expected for the purpose of being presented to this or the other house. These memorials are numerously signed, and it is my duty to state that which has so often

been stated in presenting such-like papers, that they are signed indiscriminately by men of all political parties, and of every pursuit and occupation of life. It is a county in which the friends of the present Chief Magistrate [Andrew Jackson] were, and I presume still are numerous, and their party strong, and this paper is not to be viewed as a party production, but, as the expression of an honest, intelligent people, truly representing the condition of the county, the causes which have produced it, and the remedy in their opinion, proper to be adopted.

This county is situated on the Ohio river, above the falls, is a county of the second class in size and population, but in the peaceful industry, the virtue and intelligence of its population, it is inferior to none; and, in these respects, would not lose by comparison with any people who have preferred their petitions here. It is a mixed population, grouped together from every quarter of the Union, and from almost every quarter of the world, chiefly, however, from Kentucky, Ohio, Pennsylvania, New York, and New England. And it also contains the Swiss settlement from which it takes its name. This people emigrated from the cantons of Switzerland during the troubles of the French revolution, and subsequent to that period, and ultimately settled on the Ohio river, where they have successfully introduced the culture of the vine. They obtained a grant of land, of which I took occasion to speak the other day, when the Polish land bill was before the senate, on which they first settled, by special act of congress, by which an extended credit was given them, at the minimum price then, two dollars per acre. They called their own selection from their own country in Europe. They are peaceful, industrious, intelligent, and patriotic—warmly attached to their adopted country, as they are to that of their nativity.[1]

This county, sir, occupies a long reach on the Ohio river, and its agricultural productions are wheat, corn, and hay, as well as almost every other article in demand at the New Orleans market, to which there is a heavy export trade carried every year. New Orleans is the great market and almost

1. In May 9 preceding Hendricks objected to giving some Polish exiles a township of land and observed that these Swiss exiles had bought their land from congress and built up a prosperous society without any aid from government.

For an account of the Swiss settlement at Vevay see *Indiana Magazine of History, XI, 216-230.*

the only market of the people of that state, and they are instantly and deeply affected by its condition. It is true that, before long, a great diversion of their export trade must take place by the Wabash and Erie canal and the navigation of the lakes; but, at present, the Mississippi trade and the market at New Orleans are the only hopes of the growers and exporters of produce. The people of Switzerland county have as little direct interest in the Bank of the United States as almost any people of the Union. They seek not accommodations in this or any other bank. They are the exporters as well as the growers of their produce, and the whole concern is very much the proceeds of their own industry. But in the prosperity of the Bank of the United States they have a deep interest, for, having no state banks as yet in operation, the paper of the Bank of the United States has largely shared in the circulating medium of almost the whole state, and especially was it so on the Ohio river. The present state of things has withdrawn rapidly the paper of that bank, and its place is but partially supplied with the paper of other banks, chiefly those of Cincinnati and Louisville—banks of recent origin, and in which the people have not the same confidence that they have in the Bank of the United States. The diminution of currency, the distrust of that in existence, the general want of confidence, and the instability of the whole matter, has as they say, and as other sources of information assure me, produced deep and almost universal pecuniary embarrassment in the country.

They tell you that the past experience has fully demonstrated the convenience and necessity of a circulating medium composed of bank notes, redeemable in specie, to supply the want of a sufficient metallic currency. They do not believe that a sufficient quantity of gold and silver exists to form a circulating medium; and they believe that a sudden change, or attempt at change, from a paper system to a metallic currency, would prostrate not only commerce, but agriculture; prostrate the value of all property; produce entire derangement of our affairs, and bring wide-spread ruin upon the country. They tell you that, after full experiment, it clearly appears that local banking institutions have not been able to furnish a national currency in any way adequate to the wants of the community; and that a national bank, with branches in the dif-

ferent states, is alone competent to the task of regulating and producing such currency; and of equalizing the exchange between different and distant parts of the Union. The convenience and necessity of a paper circulating medium but few will deny. It is convenient on account of transportation and exchange; and it is necessary, because the precious metals are not to be found.

However much we may wish the condition of the country to be other than what it is, we must all admit that gold and silver, to supply the paper system, is not in the country; and that to force, or to attempt to force a violent and sudden change from the one system to the other, must convulse the country. It is much to be desired that a greater quantity of the precious metals were to be found in circulation than at present exists; and in providing a remedy for the fiscal derangement of the country, this ought to be provided for. But this must be done by a slow and cautious process. A state of things must be created which will invite specie into the country, rather than send it away. We cannot legislate into the circulating medium a greater quantity of the precious metals than is to be found. It has been stated that the chartered capital of the banks, about four hundred and fifty in number, amounts to $145,000,000 and that the paper in circulation is, to the specie in their vaults, more than six to one. How, then, is the circulation to be supplied, and what utter destruction would a sudden change, were it practicable, bring upon the country.

The people of Switzerland are of opinion, that a national bank is indispensable to the prosperity of the community. In this opinion I fully concur; I believe that a national bank, or a national currency of some kind, is indispensable, and that all our experience tests this position. This is a currency regulator, in my opinion, we must have. The state banks are wholly insufficient for that purpose. I am no advocate for the present bank, and think it has no paramount claim upon the government for a re-charter. But I am prepared to vote for a bank charter, with proper modifications. My reason for this course is well expressed by the petitioners—that it is indispensable to the prosperity of the community. And, sir, not having heretofore mingled in the five months debate on this subject, I will take this occasion to state briefly the kind of banks

which I would prefer. I would prefer a United States Bank, located in the District of Columbia, in the city of Washington. This would do away with all constitutional difficulties; for all admit the power of congress to charter such institution here. Objections to this place for the location, I do not think insurmountable. Settling the constitutional question is a desideratum so great, that it will overbalance all objections.

Such an institution here need not have any greater connexion with the government than if located in Philadelphia; and locate it where you may, it ought to have very little connexion with the government. This place, it may be said, is not sufficiently commercial to justify the location of so much capital here. But this place may become, and will become, a place of much commercial importance as soon as the Chesapeake and Ohio canal, or the Baltimore and Ohio railroad, shall be completed. Nor need it be considered absolutely necessary, that the location of such bank be in the largest commercial city. I would not charter so large a capital as $35,000,000. Half that sum, aided by the deposites of the public money, and by the control which the disbursement of the public expenditure would give such institution, would enable it to regulate the currency of the country, and its exchanges, and check excessive issues of local banks. I would distribute among the states in some fair proportion. I would permit such bank to locate branches in the states only by permission of the legislatures of the states, and would, on account of the distribution of the bonus, prohibit the states from taxation; nor would I deprive congress of the power of amending the charter of such bank, or of chartering another bank, should the public interest so require. Such bank, although it could not go into operation till the expiration of the present bank charter, would give prospective stability to the currency. It would at once inspire confidence, and that is all that is wanting.

Whatever may have produced the pecuniary embarrassment of the country, so strongly represented by the memorialists, I cannot for one moment doubt that such embarrassments exist. My letters, from almost every portion of the state, assure me of that fact, and I very much fear that this distress is not at its height in the country west of the mountains. We are in the hands of the potter. Accounts from that quarter are discouraging at present, and bode worse for the future. Bank-

ruptcies unparalleled in number and extent, are spoken of in New Orleans, and the means of receiving and paying for our produce is believed not to be in existence there. The distress of that portion of the country, and of the whole country, I fully believe; and stand ready to co-operate in any measure which affords prospects of relief. I know it has been said that the distress complained of is occasioned more by excitements, which the removal of the deposites has been seized upon to produce, than by the removal itself. To some extent, I admit this to be true. For instance, if this long session of congress had not taken place immediately after the removal it is probable that neither the excitement nor the pressure would have been so great; but it cannot be denied that the measure of removal was the original cause, without which the excitement and distress which pervades the country would not have occurred.

No one sir, more deeply regrets than myself the removal of the deposites. It was a most unfortunate measure for the country. And while I have never doubted that power to remove, nor the correctness of the motive which induced the measure, I have always regretted it, as deleterious and injudicious. I have said by my vote, that in my opinion the reasons of the secretary are unsatisfactory and insufficient; but I have carefully avoided any vote, or any act, having a tendency to increase excitement, which, in my opinion, was but increasing the distress complained of. I voted against the resolution [censuring the President] which has been the occasion of the present controversy between the President and the senate, and I have voted, and will continue to vote, against every measure having a tendency to prolong the controversy. My object, is the prosperity of the country, which cannot be fully restored until the excitement be allayed. That the liberties of the country are in danger, I do not believe. This is an excitement greatly to be lamented; but, like all others which have preceded it in our history, it is destined to pass away, without serious injury to our institutions. The elements of republican governments have always been, and must always continue to be, stormy and tempestuous. The opinions of 13,000,000 freemen must necessarily be a discordant mass of materials. Our government is the offspring of, and dependent on, public opinion. We are united only on a few fundamental

principles, such as personal and political liberty, and national independence. On minor subjects our opinions are various and discordant.

We have wisely chosen this form of government, preferring it to other forms, where the will of one man, or of a few individuals, is the law of the land, and where this will and this law is enforced at the point of the bayonet. Let us not, then, despair, of the republic, but cling to it as the anchor of our political hope.

Mr. H. then moved that the memorial be read, printed, and referred to the committee on finance.

Ohio Michigan Boundary Line

January 6, 1835

Annals of Congress

Mr. Hendricks said that he had an amendment to offer to the bill,[1] in relation to the northern boundary of Indiana, with which he would detain the senate but a very short time, and which he would explain as briefly as possible. He did not propose for Indiana any new boundary, or to include any territory not at present within the limits of the State. Nor did he propose in the amendment any new or additional sanction to the boundaries of that state; for no act of Congress which could be passed, could settle with more certainty her boundaries than they were already settled. All he proposed was a declaratory expression of congress, sanctioning the survey of the northern boundary of that state, made agreeably to an act of congress authorizing "the president of the United States to ascertain and designate the northern boundary of the state of Indiana." That boundary is fully and certainly described in the act of April, 1816, authorizing the people of the Indiana Territory to form for themselves a constitution and state government. [Enabling Act] In that act, the northern boundary was declared to be "an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan," until the same shall intersect the meridian line which

1. For a full discussion of this question see *Ohio Arch. and His. Soc. Publication IV, 64-230.* There was no serious difficulty between Indiana and Michigan but civil war occurred on the Ohio-Michigan boundary.

forms the western boundary of the state of Ohio. The convention which formed the constitution of the state of Indiana, on the subject of boundary, pursued the letter of the law referred to, and incorporated the same language in the constitution of that state. The 17th section of the 11th article reads as follows:

> In order that the boundaries of the state of Indiana may more clearly be known and established, it is hereby ordained and declared that the following shall be, and for ever remain, the boundaries of the said state, to wit: bounded on the east by the meridian line which forms the western boundary of the state of Ohio; on the south by the Ohio river, from the mouth of the Great Miamie river to the mouth of the river Wabash; on the west by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of the said Wabash; and from thence, by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north by the said east and west line, until the same shall intersect the first-mentioned meridian line which forms the western boundary of the state of Ohio.

The resolution admitting the state of Indiana into the union, approved 11th December, 1816, declares that the people of the said territory, in pursuance of the act before recited, did on the 29th June, in that year, form for themselves a constitution and state government, which constitution and state government is republican, and in conformity with the ordinance of 1787. By that resolution the state of Indiana, with the boundaries prescribed for her in the law of 1816 and the boundaries incorporated into her constitution, was admitted into the Union "on an equal footing with the original states, in all respects whatever." The northern boundary then is as I believe as certainly fixed and established as the southern boundary; and I regret that doubts should have existed on the subject. I disclaim all doubts, and dissent from all opinions that the question of boundary between Indiana and Michigan is an open question and unsettled. But I have not yet given the whole congressional history of this matter. The northern boundary, though well defined, had not, in 1827, been run and marked agreeably to the constitution of the state; and, by act of congress on the 2d March, 1827, the President of the United States was authorized "to ascertain and designate the northern boundary of the state of Indiana." This service was com-

mitted to the surveyor general of Ohio, Indiana, and Michigan, who detailed one of the most scientific deputies to perform the work, a report of which was duly returned to the general land office, and is now before the senate. The amendment which I offer declares that the line thus surveyed, marked, and designated shall ever hereafter be deemed and taken as the line mentioned in the constitution of the state of Indiana, drawn due east and west, through a point ten miles north of the southern extreme of Lake Michigan. It is intended to estop Michigan at a future day from saying or alleging that the line had not been correctly ascertained, and to put forever at rest questions of jurisdiction along the boundary. Michigan, indeed, claims to come south to an east and west line drawn through the southern extreme of Lake Michigan, and denies that the acts of congress, providing for the admission of the states of Indiana and Illinois into the union ought to have any influence whatever in establishing the construction of the 5th article of the ordinance of 1787, because those acts were passed before Michigan was represented in congress, and before that territory had a legislative council, or any other means through which the people there could call the attention of congress to the fact that those acts were infringements on their rights. The delegate from that territory has further been pleased to say:

> the true northern boundary of the states of Ohio, Indiana, and Illinois, is a line drawn due east and west, through the southern extreme of Lake Michigan; and all acts and part of acts of congress, or of either of those states, so far as they do or may conflict with this boundary, are, and must be null and void.

And what is this ordinance which gives these rights to Michigan and authorized this tone in her delegate and legislative council? It simply provides that the boundaries of the three states based on the Ohio river, and which were originally intended to run northwardly to the territorial line of the United States, should be subject so far to be altered, that, if congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southern bend of Lake Michigan. Now, what disinterested man, on reading this ordinance, would come to the conclusion that Michigan had rights which set the legislation of

congress at defiance, and prohibited the location of the boundaries of any or all of those states north of the southern extreme of Lake Michigan. Congress is indeed prohibited from coming, with the northern boundaries of these three states, south of this east and west line, but she may go as far north of that line as shall be deemed expedient, even to the boundary of the United States. Congress has not yet established more than three states, and may yet exercise her pleasure on the subject.

A law of congress still exists, making it obligatory on Ohio, if such shall be the pleasure of congress, to attach to that state all the territory north of her; and this understanding with the states of Indiana and Illinois, would yet merge Michigan, with all her pretensions, in the three states originally contemplated; more than which number congress has not yet declared it expedient to form. Michigan has only been formed into a territory for the purpose of temporary government.

Michigan is indebted to the states south of her for the territory which gives her existence. The chief portion of this territory, in peninsular Michigan, has been taken from Indiana, and of all the states already formed, or to be formed, in the old Northwestern territory, Indiana has most reason to complain. In geographical extent, she is less than any other state west of the mountains, and will have little more than half the territory with which Michigan expects to be admitted into the union and the state west of Michigan running north to Lake Superior, and the Lake of the Woods, and West to the Mississippi, will be as large as the three states already formed; so that, in point of size, Michigan has nothing of which to complain. One object which Indiana had in going north of the east and west line, so often mentioned, was, that she might include the mouth of the St. Joseph river, and have a harbor there on the lake. In that she has been defeated. Her northern boundary is near thirty miles south of that harbor; and it would be a proposition at this moment, in my opinion, entirely reasonable, that her boundary should be thrown so far north as to include Newburyport, and thence to run east to the meridian which forms her eastern boundary. This proposition, however, I do not make. Indiana will be satisfied with her present boundary, and with her single harbor at the mouth of Trail creek [Michigan City]; but this harbor she

will expect congress to improve. It will be of great value to that portion of the state. She will hope, too, to remain in quiet and peaceable possession of her own territory; and with this object in view, I propose the following amendment as a second section of the bill:

Sec. 2. And be it further enacted, That the boundary line, surveyed, marked, and designated, agreeably to "An act to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana, approved March 2, 1827," shall be deemed and taken as the east and west line mentioned in the constitution of the state of Indiana, drawn through a point ten miles north of the southern extreme of Lake Michigan, and shall be and for ever remain, the northern boundary of said state.

POLITICAL CIRCULAR

WASHINGTON CITY, March 4, 1835

Indiana Journal, April 10, 1835

The session [United States senate] having drawn to a close, I hasten, before leaving this place to communicate as has been my practice ever since I have been first honored with a seat in congress, to the people of the state, the leading topics and features of the session. In these communications it has not been my objects to enforce my own opinions either in reference to the measures of the present administration of the general government, or the presidential election to come, but to confine myself chiefly to the legislative proceedings of congress, and the condition of the various interests of the country at home and abroad. It has been my object to speak of facts, rather than to give opinions, and although it is impracticable to address such a letter to every individual even of my own acquaintance, in the state, yet it is intended to be considered as addressed to every citizen, and shall, if possible, be put and placed in every neighborhood and within the reach and view of every citizen of the state.

Confining myself however to these objects, and from them it is not my purpose to depart, this letter must necessarily be less interesting than some which I have heretofore on similar occasions written, because the session has been less fruitful of incidents than almost any previous one of which I have been a member. The political excitements heretofore numerous,

and producing legislative discussions and enactments of so much interest, has not so much abounded as on former occasions. The session has indeed been one comparatively of undisturbed calm and tranquility. Few subjects and few occasions have occurred to produce even animated debate. Among these may be mentioned the subject of executive patronage, on which a lengthy report was made in the senate; and the subject of our relations with France, which is every day becoming more and more interesting.

The subject of executive patronage was referred to a select committee of the senate, which made a lengthy report, the object of which was to compare the number of appointments reposing on executive power at the present time, or in the year 1833, with the number thus dependent at a former period; and to compare also the expenditure of recent years, with that of former ones. This comparison and this view of that sensitive subject, naturally tinctured the report, and the measures proposed by the committee, strongly with the spirit of party; and by this committee measures have been introduced, which in former years have been repudiated and opposed by the party which now sustain them. Such were the bills which passed the senate, but which did not receive the sanction of the house, on the subject of appointments to office, and of regulating the deposites of the public moneys.

Another measure proposed by this committee was, an amendment of the constitution, for a limited period, to operate till January 1843, so as to permit a distribution of the surplus revenue, which before that time is expected to accumulate in the treasury. This surplus to a considerable extent, say nine millions a year, it is believed by the committee, will be accumulating till the expiration of the tariff compromise bill of 1833, which will not expire till the year 1843, and those who deny the constitutional power of distributing the surplus revenue among the states, require this amendment of the constitution for that purpose. The measure, however, has very little prospect of success, for those who assert the existing power under the constitution as it is, and those who would not thus tamper with that sacred instrument for any such temporary purpose, will not be found voting for such amendment; and these it is believed make a large majority of both houses.

There are however, in this report, some curious and startling facts. The number of those dependent in a greater or less degree on the treasury of the United States, are stated to exceed one hundred thousand; almost double the number so dependent ten years ago. And the current expenditures of the government are stated to have been in 1833 much greater than the current expenditures of 1825. This report, and the measures by way of remedy proposed, have produced animated discussions, but do not promise to be productive of any practical result. The subject will probably be exhausted in ministering food to party appetite. Should the revenue in coming years be found greatly to exceed the wants of the government, the tariff will, or ought to be so modified as to protect the manufacturers of the country, and let articles not manufactured in the country come in duty free; thus diminishing the amount necessary for the current expenditures. But in this regulation it is to be hoped that some permanent beneficial arrangement will be made for the internal improvement of the country, in its roads, rivers, and canals. And it is reasonable too to hope, though there does not appear much foundation for such hope, that under such circumstances when we have more revenue than we know what to do with, and when the difficulty is not, how we shall raise revenue, but how we shall diminish it, we shall obtain for the new states some favorable regulation on the subject of the lands.

To an unbiassed reader of the constitution, one unlearned in the various constructions of that instrument, it would certainly appear strange, that, with an overflowing treasury, and one difficult to diminish there should be hesitation, or difficulty, with any class of politicians, on the subject of internal improvements, which all admit the value of and which the states, however destitute of means, are prosecuting with energy and zeal.

For the same reason, the superabundance of our revenue, it would seem at first view strange, that so much disinclination should be felt, by the representatives of the old states, to the wishes of the new states on the subject of the public lands. But this can be accounted for by the consideration that the reduction of the price in the new states, diminishes the value of lands in the old states, and that every inducement to actual settlers in the new states draws proportionally the population,

and diminishes the prosperity of the old states, and there appears to be as little prospect of reduction of price, as any other measure proposed in relation to the public lands. The graduating principle, though unquestionably reasonable and just, and especially so in districts which have been long in market, is considered but the proposition in another form, to reduce the price, and has no prospect of success. The bill proposing a distribution of the proceeds of the public lands for five years from and after the 31st of December, 1832, has not been acted on by either house during the session. The proceeds of the public lands during the last years are much greater than ever before.

Our relations with France is a vexed and dangerous subject. The history of this matter is perhaps generally understood. It is however, short, and may be stated in a few words. By treaty with that government on the 4th of July, 1831, France became bound to pay to this government, for the benefit of citizens of the United States 25,000,000 of francs, or $5,000,000, on account of spoliations on American commerce. This sum, the legislative department of that government has thus far refused to appropriate and pay. In consequence of this, the President of the United States, in his last annual message alluded to the subject in strong terms of reprobation and recommended the passage of a law, authorizing reprisals upon the commerce of France, in the event of the chamber of deputies adjourning their present session, without appropriating money to pay this debt. The message of the President having arrived at Paris before the legislative body had determined the question of payment, a great sensation seems to have been produced by it. The French minister has been recalled from this country, and passports have been tendered to our minister, Mr. Livingston. Thus stands the case by our last advices from Europe; and if the French chambers persevere in their refusal to comply with the solemn obligations of treaty, war will in all probability grow out of the case. The senate, as early as January, unanimously determined not to legislate on the subject at the present session, and the house of representatives at a late period have come to a similar conclusion. Both nations are strongly interested in the preservation of peace. A large and prosperous commerce exists between them, which would be interrupted, and, for a while, de-

stroyed by a state of war. The amount in controversy, would be as dust in the balance, compared with the expenses of a war to either nation. Both governments are powerful on the ocean; France much the largest fleet but the United States the most naval efficiency and power. Nothing but the strong appetite of the French people for war, and their injustice towards us on the present occasion, can lead to that catastrophe. We have a large squadron in the Mediterranean, which might be endangered by a sudden determination of hostilities on their part. It would be exposed to their whole naval force.

A war with France would be a war upon the ocean, and there exclusively, and the navy alone could participate in it. In such a war the ardor and chivalry of the army, and the youth of our country, could not be gratified, and there is less danger of appetite for war in our own country, than if the conflict were to be carried on both by land and sea. It would especially do us in the interior much evil, and could not do us any good; would destroy to a great extent the coasting trade, and impose upon us the additional cost of transporting much of our produce to the eastern Atlantic cities over the mountains or by way of the lakes, instead of a water communication by New Orleans and round the coast.

A few general subjects which occupied the session to a late hour, crowded out much business which had been matured, and which would have required but a short portion of time; and in this way more unfinished business than usual has been left on the files of the session. Of this may be named the bill organizing the post office department; the bill reorganizing the circuit courts of the United States, which reduced the number of circuit courts in the old states from seven to six, and formed two new circuits in the valley of the Mississippi, one to consist of the states of Louisiana, Mississippi, and Alabama, and the other to consist of the states of Missouri, Illinois, and Indiana; the bill to regulate the deposites of the public money in the state banks; the Wabash improvement bill; the bill authorising several railroad companies in the state of Indiana, to locate their roads through the public lands, granting fifty feet on each side of said roads in addition to the width thereof, with the privilege of taking timber and other materials necessary in the construction of their works, off the

public lands; and the bill fixing the northern boundaries of the states of Ohio, Indiana, and Illinois.

These bills having passed the senate, could not be reached in the house, chiefly owing to the last days of the session having been spent in deliberating upon the subject of our relations with France. Other bills important to the state of Indiana, were not reached upon the orders, or acted on by either house. Among these may be mentioned the bill to establish post roads, and the appropriation for a harbor at the mouth of Trail creek. [Michigan City] In this latter case a survey had been ordered and executed, but the officer entrusted with that service had not accompanied his report with an estimate of the cost, and these documents not being prepared at the department until a late period of the session, the proposition was in this way thrown upon the back ground. The bill to establish the territory of Wisconsin remains also on the list of unfinished business.

The bill fixing the northern boundaries of the states of Ohio, Indiana, and Illinois did not propose any new boundary for Indiana, but proposed to sanction the survey and designation of that boundary, made under authority of an act of congress. The northern boundary of the state is fixed and settled, as permanently as the laws of congress and the constitution of the state.

A law has passed making further appropriation for the continuation of the Cumberland road in the states of Ohio and Indiana, and for the final repair of the road east of the Ohio river. That portion of it is to be surrendered to the states of Maryland, Pennsylvania, and Virginia, and all expenditure upon it, and all care over it, on the part of the federal government will henceforward and forever cease. The road east of the Ohio river has been a greater obstacle than every thing else, in getting appropriations for the road further west, but this obstacle is now removed.

A law has also passed making an appropriation for topographical examinations and surveys. This puts $25,000 at the disposal of the President of the United States, for the surveys of roads, canals, rivers and harbors, throughout the United States. With the means afforded by this appropriation, the secretary of war is directed, by a resolution of the senate, to cause to be made the survey of a road from Maumee bay,

through the northern tier of counties in Indiana to some point on the Mississippi river, between Rock Island and Quincy. And with the same means, engineers will probably be detailed by the war department to survey several other roads in the state of Indiana.

With lasting gratitude, and profound respect for the people of the state, I remain their obedient servant,

WILLIAM HENDRICKS

ADMISSION OF MICHIGAN

December 22, 1835

Annals of Congress

MICHIGAN SENATORS[1]

Mr. [William] Hendricks said that he always regretted when an appeal was made to his liberality or courtesy for that which he could not grant, and that this was his present situation. What is the case? A man comes into my house; he tells me that he has come for the purpose of appropriating to himself a part of my house, or of despoiling me of a portion of my goods; and that he has means in train by which, in his opinion, he will speedily accomplish these objects. But, inasmuch as it will be more convenient to him to attend to this work of spoliation within the house than out of doors, he asks that, through courtesy, I would assign him a seat, and permit him to remain till he can finish his work. Now this statement well enough describes the relations as far as this proposition is concerned, between the two citizens of Michigan and the two senators from the state of Michigan; that the sovereignty and independence of that state is extended over a large territory of the state of Indiana that it is their intention to eject the jurisdiction of Indiana from this territory; and that, to enable them more conveniently and more speedily to

1. Senator Benton of Missouri moved to extend to the two senators from Michigan the courtesy of seats in the senate. Michigan was seeking admission. A constitutional convention met at Detroit on the second Monday of May 1835 and drew up a constitution. The first state election was held in October 1835 and the legislature Nov. 10 elected Lucius Lyon and John Norvell to the United States senate. Two causes operated to keep Michigan out of the Union—the boundary dispute with Ohio and Indiana and slavery. June 15, 1836, Michigan and Arkansas were admitted. Michigan was compelled to accept its present southern boundary. Campbell, *Outlines of Michigan History, 462.*

do this, they ask to be admitted upon the floor of the senate. Comity should never ask what comity can never grant; and this seems to be a case of that kind.

It has been said on this floor that Michigan is a state de facto. But, this, with great deference to the opinion, on account of the source whence it comes, he must be permitted to controvert, and to say that he knew of no such case. He inferred, indeed, that no such case could exist, because the constitution says that "no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress." Now, sir, if it had been indispensably necessary that Michigan should become a state, and that the state of Indiana should be partitioned and dismembered for her benefit, comity would have said that she should at least have asked the consent of the legislatures of that state; and the constitution of the United States, as well as comity would also have required the same thing. Comity, too, would have deferred something to the fact that the state of Indiana has been peaceably in the union for about twenty years, and that, too, with boundaries prescribed and assented to by congress.

Sir, I undertake to say that Michigan is not a state, neither de facto nor de jure, and that she never can be a state with her assumed boundaries. The president of the United States is bound to see that the laws of the union are faithfully administered, in and over the territory of Michigan, until the people of that territory shall have the permission of congress to pass from a territorial to a state government, and no one can doubt that he will faithfully perform that duty. It might, perhaps, be out of place here to say much about the rights, or pretended rights, of Michigan for admission into the union. He would, however, say that she is not on an equal footing with any of the three states already formed out of the Northwestern territory. Their boundaries were described by the ordinance of 1787, and by it they were made and called states. In it, too, they had a guarantee that they should be admitted into the union, with a population each of 60,000 free inhabitants. None of these pre-requisites exist in relation to Michigan. Congress has never yet determined to form any state

north of the latitude of the southerly extreme of Lake Michigan.

The people of Michigan petitioned congress two years ago to do this, but it has never been done. There is no case in existence to which the present condition and attitude of Michigan can be assimilated. That of Tennessee was a much stronger case; but he was willing to accord to the citizens in question all that was granted to the senators from Tennessee. And what was that? He took it from the pamphlet furnished as he supposed by a citizen of Michigan, for he had searched no further. It was that they should be "admitted as spectators" until the decision of the senate on the pending bill. It would not enlarge the present privileges of one of the persons claiming to be received as a senator from Michigan. That privilege he had already under our rules, in virtue of having been a delegate in the other house; but it would confer this privilege on the other, who had it not. This much he was willing to do, and no more; and to effect this he offered an amendment to the proposition of the senator from Missouri, or a substitute, whichever it ought to be considered, (for he had not the proposition before him,) proposing to extend the same privileges of the senate to the honorable John Norvell, which, by our rules, are extended to the members of the house of representatives and the delegates from the territories:

Resolved, That the same courtesy be extended to the honorable John Norvell, as a spectator in the senate chamber, which, by the rules, of the senate, is now extended to the delegates of territories, and members of the house of representatives.

MICHIGAN MEMORIAL[2]

January 26, 1836

Annals of Congress

Mr. [William] Hendricks said that a disposition had been imputed to him on this occasion, to exclude the memorial [for statehood] altogether, but that nothing could be further from his purpose; and if this had been inferred from his motion, in the first instance, to lay it for the time being on the table,

2. This unique memorial asked that Michigan, already a state, be admitted into the Union. Elected state officials had already superseded, or attempted to supersede, the territorial officers. This had aroused the ire of President Jackson. Hendricks contends that Michigan should have asked for an enabling act.

he had been wholly misunderstood. A memorial had been presented by the president of the senate, purporting to be a memorial from the senate and house of representatives of the state of Michigan. Its contents were very partially known. So much of it, however, had been read by the secretary as informed us that it was a paper taking ground upon the ordinance of 1787, and claiming for Michigan the right of admission into the union, as a sovereign and independent state. He had felt it his duty to resist this pretension; and denying that any such case existed, denying that Michigan was or ought to be considered a sovereign and independent state, had moved that the memorial, for the time being be laid upon the table. This motion had been made, that time might be afforded to look into the disposition that had been made elsewhere of a similar memorial. The discussion that had ensued had given time to turn to our files, and he then had before him a document, which showed what had been done with the same memorial, as he believed in the house of representatives. He wished the thing to take the same course here, and when up before, had withdrawn the proposition to lay on the table, and offered the proposition which had been read at the secretary's table. He had not the remotest wish to exclude the document referred to, but he was anxious that, in referring it to a committee, no sanction should be given to the character it assumed for the people of Michigan. He contended that, in no sense of the word, could they be considered a state. The laws of congress for the government of Michigan territory were in full force, and the senate, in another capacity, had before them a proposition looking to the due extension of the laws of the United States in and over that territory. The character in which the people of Michigan represented themselves in this memorial seemed to have been misapprehended by some senators who had favored the senate with their views. They seemed to understand the people of Michigan as asking permission to become a state—but the memorial affirmed the fact that they were already in the enjoyment of a state government, and in that capacity it asked that they might be received into the union.

The senator from Massachusetts [John Davis] thinks it an unimportant fact what character a petitioner assumes when he comes upon this floor. He says that a man representing

himself to be a ship owner in his petition, will not be inquired of whether he be a ship owner or not; that the senate will pass this by as immaterial, and only require into the prayer of his petition. But suppose the prayer of his petition to be that congress, for some important purpose connected with the interest of this government, should recognize his character as ship owner, would not this then be the very fact to be inquired into? If so, this is the very case before us. It is that Michigan may be recognised with her senate and house of representatives, and in the capacity of a sovereign and independent state. It is for this purpose that she presents herself here. She asks to be admitted into the union, and the first and most important inquiry is, is she a state? And if she be a state, under all the circumstances in which she presents herself, boundaries and all, there would probably be no hesitation in the mind of any senator about her admission into the union. Her character, then, state or no state, was the point in controversy. The right of petition had very little to do with the present case. Every citizen of Michigan territory had unquestionably this right in their proper character, or in almost any other character that did not array itself against the laws and authority of the United States.

But the people of Michigan, in presenting their senate and house of representatives as the legislative power existing there, showed that they had trampled upon and violated the laws of the United States establishing a territorial government in Michigan. These laws were or ought to be in full force there; but, by the character and position assumed, they had set up a government antagonist to that of the United States. If, before they had put their government in motion, they had presented themselves here, and asked admission into the union, the matter of boundary out of the question, there would have been no difficulty in the case. And if they wished now to become a member of the union, and are content to come in at the right door, it is probable they will have no difficulty. Let them ask congress, as they did two years ago, to pass a law authorizing them to form for themselves a constitution and state government, and designating proper boundaries; or let them amend their present constitution, adopting proper boundaries, and their admission will be almost a matter of course. And this in my opinion, is the easiest and speediest mode of getting into the union they can adopt.

This is the first time that the senate has been asked to receive any paper recognising them as a state; for although their constitution, and perhaps other documents, have been received, and referred to the select committee, they came as accompaniments to the President's message, which being referred, they were also referred as part of it. Before he resumed his seat, he would put a question to the senator from Maine, [John Ruggles] who had asked a division of the question about to be propounded to the senate. The purpose, however, of asking for a division, had for the present been abandoned, and the senator from Maine had moved to strike out that part of the proposition which asserts "that the Senate regard the memorial in no other light than as the voluntary act of individuals." This motion had doubtless for its object the reception of the memorial, and the rejection of the declaration with which it is accompanied. If it be the object on the failure of this motion to renew the call for a division of the question, the proposition being my own it is in my power so to modify it as to aver the result wished for by the senator from Maine.

WILLIAM HENDRICKS

NAVIGATION OF THE WABASH

February 18, 1836

Annals of Congress

Mr. [William] Hendricks said that the bill being read at the secretary's table,[1] he had risen in his place to say a few words in explanation of it; but the apparent unanimity of the senate in its favor had induced him to resume his seat, in the belief that a recollection of this bill, and of former discussions upon it at previous sessions, and the report of the committee in its favor which has been printed and laid on the tables of the senators, had rendered all explanations unnecessary. The call of the senator from New Hampshire [Isaac Hill, Jackson's spokesman] he would, however, cheerfully answer; and the few words which he might deem it necessary to say would be chiefly confined to the necessity, at present time, of passing the bill; a necessity stronger than ever heretofore.

1. The veto of this bill by President Jackson did more than anything else to break the power of the Jacksonian party in Indiana. Such staunch supporters as Samuel Judah, John Tipton and the Milroys quit the party.

This bill was the same which had passed the senate at the last session, and which passed the senate at three previous sessions. Except in amount, it was precisely the same. Its history would no doubt be recollected by many senators present, and the difficulties it had to encounter; and what he had now chiefly to say in relation to it was, that time and circumstances had removed those difficulties, as he believed, both here and elsewhere, and he hoped that on the present occasion there would be no hesitation in passing the bill.

The navigation of the Wabash is intimately and inseparably connected with the Wabash and Erie canal. It is through the navigation of this river, which empties into the Ohio river, that the Wabash and Erie canal unites the navigation of the Mississippi river with the lakes, and opens a channel of inland navigation between the two great commercial emporiums of the country, New York and New Orleans. This line of navigation is on the most direct route; it is the shortest line of navigation which can ever be opened between those cities. The river itself is the largest and most important tributary of the Ohio. It flows through a larger and more fertile region of country than any other river of the Ohio. It floats to the markets of New Orleans and the south a larger quantity of agricultural productions than any of those rivers. Indeed, it is questionable whether any river of the west, of the second class, not even excepting the Cumberland, the Arkansas, and the Red river, is justly entitled to be ranked with it in importance. It is a river navigable for steamboats to a great distance up, to the mouth of Tippecanoe, perhaps five hundred miles from its own mouth. But this navigation is safe and certain only in times of high water, when the river is somewhat swollen. In low water it has obstructions which wholly prevent its navigation, and these obstructions are near its mouth. They entirely destroy the usefulness of its navigation in stages of low water, and in some dry seasons boats with the produce of the country have been unable to get out of the river during the whole year. Such was the case in the spring and summer of 1834, when hundreds of thousands of dollars worth of produce prepared for the markets of the south, literally rotted on hand.

These obstructions are below Vincennes, and pretty much confined to a region of river about fifteen or twenty miles in

extent. They consist of ripples, eight or nine in number, which are filled with rocks, islands, bars, and crooked and shallow channels. At the Grand Rapids, the most difficult of these passes, the depth at low water is but two and a half feet. The river for a great distance is the boundary between the states of Indiana and Illinois, and the improvement of its navigation has long been an object of much interest with both these states. In 1822 laws were passed by both, authorizing a joint examination of the obstructions by engineers of each state. This examination was had and a report made on the subject, [see January 10, 1824] but the estimates were considered beyond the means of the states at that time, and no appropriation was made. At subsequent sessions of the legislatures of those states, about one year ago, appropriations to a very limited extent were made; but during the last summer and fall, the water of the river was too high for operations upon the work, and nothing of any consequence has yet been done. At the recent sessions of those legislatures, other appropriations to this object have been made, and the ensuing season will be, as it ought to be, one of great exertion on this subject.

The work, however, is too important and heavy for the states, and one which, in their opinion, ought to be accomplished by this government. The aid of this government is wanted, and skillful engineers are needed. These obstructions ought to be removed by a canal around them that would pass steamboats, and the work, in whatever manner and by whomsoever undertaken, is too important to be any longer neglected. Heretofore, this has not been considered by the federal government an object of much magnitude. This river, unconnected with any other channel of commerce, has been thought to belong to a class of local objects, not specially entitled to the consideration and means of this government. Now, the Wabash and Erie canal is opened. The navigation of the summit level section was commenced on the 4th day of July last, and other large sections will be opened during the ensuing spring. That portion of the canal, as originally located, which lies within the state of Indiana, is, with the exception of thirty-five or forty miles, all under contract; and by an act of the legislature of that state, the canal is to be continued down the Wabash to Terre Haute, a further distance of eighty

or ninety miles. The valley of the Maumee, from the Indiana line to Lake Erie, will, after the Michigan boundary question shall be settled, be speedily made by the state of Ohio, and then this Wabash river, instead of being a local object, not entitled to be considered of national importance, will be an important link in the chain of one of the most splendid and useful inland navigations in the world, certainly the most important that is or can be made in the United States—an inland navigation the shortest and the best that can exist between New York and New Orleans. Now, sir, when this bill was under the consideration of the senate one year ago, not one mile of this canal had been opened to navigation. No highway of commerce then could be said to connect the custom-houses and the ports of entry on the lakes with those on the Mississippi. All this change has taken place since. The condition of this work, and of the whole country, has since essentially changed. The navigation of this river is closely and inseparably connected with the canal. Without its improvement, the canal must be a great portion of the year comparatively useless. The canal is now ahead of the river; and, begin this work when you may, the canal will continue ahead.

I repeat, Mr. President, the navigation across the summit level of the country is already perfect, and a splendid work is going on in the valleys of the Maumee and the Wabash. It has changed the condition of the whole country. It has sold for you millions of acres of land. It has brought you millions of dollars into the treasury, and you are already doubly paid for your canal grant of 1827. The ordinance of 1787 had designated this summit level as a carrying place between the navigable waters of the Mississippi and the St. Lawrence and had guarantied its free navigation for ever.[2] The government of the United States ought to have made this canal. The guarantee has not been kept inviolate; but the work has been performed, and is in a state of rapid completion by the state of Indiana. Things have rapidly changed upon the Upper Wabash within the last year. There is now no question about local and national objects, in reference to the Wabash and Erie canal and the navigation of the Wabash. These works can no longer be considered as separate, or of doubt-

2. "The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways and forever free."

ful importance in a commercial point of view. A great highway of commerce is established there, and the union of the waters of the Mississippi and the northern lakes is effected. All objections of this sort to the passage of the bill will no doubt hereafter entirely cease. It will obtain the sanction of the executive, as I believe, and I hope the unanimous vote of the senate.

WILLIAM HENDRICKS

THE EXPUNGING RESOLUTION

January 16, 1837

Annals of Congress

Mr. Hendricks rose and said that at this late hour of the day, it would be out of place to attempt an argument or a speech to the senate; and such was not his purpose, in the few words he had at present to say. It had been his intention, some time ago, to have troubled the senate with his views somewhat at large on the subject; but he would content himself now with saying a very few words; and this was perhaps necessary, owing to the peculiar position he occupied in relation to the proposition before the senate. It would be recollected that he had voted against the resolution of 1834 so much complained of, the resolution which it was now proposed to expunge from the journals of the senate. He did so for many of the reasons contained in the preamble to the resolution now on our tables. In some of the reasons, however, contained in that preamble, he did not concur, and of course could not vote for it. For some of the reasons contained in it he could most cheerfully vote. No member of the senate, more than himself, regretted the passage of that resolution. No one could have been more opposed to it. He viewed it as an apple of discord set in motion; a firebrand thrown into the community, calculated to do more harm than any other measure proposed at that eventful session; and he now believed that it had done more harm in exciting party spirit to its present dangerous height than any other measure which could have been proposed. The danger apprehended to the constitution by this act of expunging is a natural consequence of the measure of 1834; as much so as that one act of violence should suc-

ceed another. A party in power to-day, and who shall use that power indiscreetly, will be sure to meet with retaliation, as soon as the opposite party shall triumph. Hence violent measures of this kind are as sure to succeed each other, in the mutations of party power, as effect is to follow cause.

Much, however, as he was opposed to the resolution of 1834, he could not vote to expunge it from the journals. That was a question, in his opinion, having nothing to do with the merits or demerits of the original proposition. The question before the senate was one of power to expunge the journal, no matter what journal it might be. He thought no such power existed in the senate, nor any where else; and his oath to support the constitution of the United States was imperative and prohibited him from giving any such vote, whatever may have been his opinion of the resolution proposed to be expunged. It was, in his view of the constitution, as much a duty to keep and preserve the journals of unconstitutional proceedings, if such there be, as of any other. Our constituents have as much right to know our bad acts as our good ones; because it is for these they will call us to account; and it would be strange doctrine, that we could shield ourselves from responsibility by expunging the journals. The argument then, of the Senator from Pennsylvania, that the resolution of 1834 was unconstitutional, and therefore ought to be expunged, did not in the least relieve his mind. He understood, too, that this was the basis of the votes of other members of the senate in favor of expunging. Much as he disapproved of the resolution of 1834, he believed that it was constitutional, and that it was such a proposition as the senate might entertain and adopt. He saw nothing unconstitutional about it. It might, or it might not, be considered an abstract proposition. It had, indeed, remained as a mere declaratory expression of the senate, but it might have been the basis of legislation. Whether it be true or false is a matter of opinion. Those who voted for it unquestionably believed its affirmations to be true. They believed that the President had, in relation to the revenue, exercised authority and power not conferred by the constitution and laws, but in derogation of both. He, who voted against it, believed that the authority and power exercised by the President was not in derogation of the constitution and laws; and, however much he dissented on the ground of expediency

from that which has been done, he never doubted the constitutional and legal power of the President to do what he did.

It had been said that the resolution of 1834 contains impeachable matter against the President, and that, on this account, it is not entitled to a place on the journals. He did not think, however, that it contained any impeachable matter. He referred to the case of Peck's trial before the senate, and stated that the absence of proof of corrupt intention was the basis of his acquittal by the senate. This had been the reason of his own vote of acquittal; and this, he had good reason to believe, was the basis of votes of acquittal generally.

In voting against expunging, he did not vote to affirm the truth of the resolution of 1834. He had already stated the reverse. He believed that the President had the power, whatever he might think of its exercise, under the circumstance of that case. But his opinion that the resolution proposed to be expunged was and is untrue, had nothing to do with his duty in the present case, and could not, in any degree influence his vote. The senate had no power to expunge the journals. He could, without the least difficulty, vote upon the journals of the present session a resolution to rescind that of 1834, or to affirm a contrary proposition. This, while it would clearly assert the opinion of the senate in relation to the proceedings of 1834, would not obliterate the journals of that day, and would have all the effect of the mode proposed.

Mr. Hendricks here referred to the constitution, which says that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their opinion require secrecy," and said that the obligations of his oath to support the constitution of the United States made, in his conscience and judgment, made his duty on the present occasion clear and imperative. The constitution required the journal to be kept. He could not vote to destroy, or expunge, or obliterate it. But it is contended that the black lines proposed to be drawn around the journal of 1834 will not expunge it in reality; that they will take nothing away from it. It will not, however, be contended that writing the words required to be written across the face of it will not deface, and, to a certain extent, obliterate it. But suppose these black lines and this writing upon the journal of 1834 takes nothing away from that journal, it will surely not be denied that a

of local and municipal regulation, subjects on which you have already entered, and on which it would be imprudent in me to interrupt your deliberations.

Though the embarrassed state of the public finances, and the pecuniary affairs of many of our fellow citizens be matter of much regret, I am happy in being able to congratulate you on the agricultural and social happiness of the state. At no period of our history have the productions of our soil been more abundant of the necessaries and the comforts of life than during the present year, and at few periods has emigration afforded to us greater accessions of population than the present.

The subject of the revenue is already before you. The great defects of the present system are ably and minutely pointed out in the communication you have received. On this subject, however, permit me further to remark, that the assessments of the revenue applicable to the *ensuing* year are estimated to exceed the expenditures of the *present* year, seven thousand dollars.

In this view of the subject, should entire collections be made, and the expenditures of the next year not exceed those of this, there would be found in the treasury at the close of that year a sum sufficient to meet the ordinary demands of that year, and a considerable surplus to be applied to the principal and interest of the state debt. But sufficient information is not yet obtained to determine with any kind of certainty, the effects of the system adopted by the preceding legislature.

Delay and uncertainly are prominent defects in our system. Greater expedition and absolute certainty in the collections would enable us to lessen the burdens imposed on our fellow citizens, and retain a revenue competent to the maintenance of the public credit, the current expenses of the government, and the disbursement of the public debt in a short period of time.

It would give me great pleasure to co-operate at this time in a work so desirable. But it is not to be expected that the legislature would materially change a system of revenue before they can be informed of the sufficiency or insufficiency of that system. By so doing the responsibility of the system adopted would be borne by those who adopted it, while they would legislate in the dark, both in doing away the old system and in enacting the new.

Twenty thousand dollars of the revenue applicable to the ensuing year are pledged and appropriated for the redemption of a like sum of treasury notes, authorized to be put in circulation by a law of last session. This will create a deficit of that amount for the service of the year, to be supplied, as you may direct, by a loan or the issue of treasury notes.

In the revenue of the present year, we shall reap the first fruits from lands sold by the general government within the limits of the state, since the first day of December, 1816. This source of revenue will be continually growing, and is that to which we may look with certainty for the extinction of the state debt, and for the diminution of our taxes in support of the government.[1]

To this source of revenue we may look with the most agreeable prospect. But in doing this we ought not to lean too much upon it. Its proceeds at present must be very small, and it would not be good policy to increase the public debt, with this prospect of payment. By so doing, we would take upon us a responsibility which would outlive the motives inducing it. We would pursue a policy exhausting to ourselves, in the payment of heavy sums on interest, and creating a burden for those who come after us, which under ordinary circumstances we have no right to impose.

The amount of revenue advisable to be sustained at this period of the state government, would seem to be that which will defray the current expenses of the government, and commence the gradual payment of the state debt. This amount from the source just named, will be increasing every year, and give us prospects of release from fiscal embarrassments at no distant day.

The payment for our lands, the extensive consumption of European goods amongst us, and the want of a market for our surplus produce, has put the balance of trade largely against the western country, and produced general and individual distress. But the improvement of the means within our power, the industrious pursuits of agriculture, a resort to domestic fabrics to the greater exclusion of foreign merchandize, is relieving, and will continue to relieve us, from the ruinous tendencies of former times. The fertility, too, of our extensive

1. By a compact of the Enabling act the state agreed not to tax land sold by the government, until five years had elapsed.

soil, and the tide of emigration from almost every state, guarantee to us, at no distant day, a rank among the first states in the Union. The great interests of the state are agriculture and domestic manufactures. With them and for them, but little at this time seems necessary to be done; and that legislation is the best which imposes the lightest burdens on the one, and most encourages the other.

If asked on this, or any other occasion, for the principles which should direct us in the administration of the government, my answer would be this. Our intercourse with the general and state governments should be of the most harmonious kind. The government ought to be administered in the exercise of that frugality and economy which every prudent man employs in his own affairs. This will include the maintenance of the public credit, and the payment as speedily as we can of the state debt. Expenditures of the public money should be vigilantly guarded, and all needless expenses avoided. The revenue thus reduced by every possible economy, should be a sound one; that, being paid by the honest hand of industry, it might not be exposed to a process of brokerage, exchange, and depreciation, from which the present system of treasury notes cannot be protected.

We ought to leave free and unshackeled, as far as we can, our resources for improvement, and purposes which the interests of the state may hereafter require, if not of our hands, at the hands of those who succeed us. In this way we shall best discharge our own duties, and best consult the interests of the community. Let us not lose sight of those great objects to which the means of the state should at some future day be devoted—the navigation of the falls of the Ohio, the improvement of the Wabash, the White rivers, and other streams, and the construction of the national and other roads through the state. But to these objects, great as they are, the fostering hand of the government cannot be extended while its finances are embarrassed by a state debt.

You have already before you the unprescedented situation of several new counties of the state. To this subject permit [me] to ask your favorable attention.

For defraying the expenses of transferring convicts to the penitentiary, it is believed that no provision is yet made by law. From the contiguity of some counties, and the remoteness of others, equal justice would seem to require that this

should be a state and not a county charge. A further appropriation is also requisite for that institution. This seems necessary not only for its prosperity, but for its existence.

At the last session of congress a law passed authorizing the selection of school lands for Clark's Grant, and that part of the Vincennes Donation Tract for which no selections had previously been made. The propriety of legislative provision for the protection and improvement of the property thus acquired is respectfully submitted.

That our fellow citizens may participate in the choice of a chief executive magistrate of the Union, it is necessary that provision be made by law. This ought to be done at the present or the ensuing session.

In your deliberations on these, and all other subjects which your wisdom may suggest, permit me to assure you of all the co-operation and aid which it may be within my power to afford.

WILLIAM HENDRICKS

SPECIAL MESSAGE: APPOINTMENT OF PRIVATE SECRETARY

December 9, 1822

Senate Journal, 1822, p. 52

The HON. RATLIFF BOON, *President of the Senate:*

Permit me to inform you, and through you the Senate, that I have appointed John W. Payne, Esquire, my private secretary.[1]

With much respect,

Your obedient servant,

WILLIAM HENDRICKS

SPECIAL MESSAGE: RECOVERY OF FUGITIVES

CORYDON, December 26, 1822

Senate Journal, 1822, p. 146

The HONORABLE RATLIFF BOON, *President of the Senate:*

SIR: In answer to a resolution requesting me to inform the Senate, "if demand has been renewed by the executive

1. The General Assembly had previously refused to receive a communication from the hands of a courier until it was officially notified by the governor that the carrier had been regularly appointed. Payne was later a representative from Harrison county.

of this state, of the President of the United States, for certain fugitives from justice of this state, residing within the state of Kentucky, in conformity with a resolution of the General Assembly of the state of Indiana," I herewith transmit a letter of the secretary of state, containing all the information which it is within my power to give on the subject.[1]

With much respect,

Your obedient servant,

WILLIAM HENDRICKS

INCLOSURE

SECRETARY'S OFFICE,
December 26, 1822

HIS EXCELLENCY WILLIAM HENDRICKS:

SIR: In answer to the enquiry made, and in conformity to a resolution of the Senate, I have to answer that I have made strict examination of the records and documents on file in my office, and find none relative to a correspondence or demand made by the executive of this state, of the President of the United States, for certain fugitives from justice of this state, residing within the state of Kentucky.

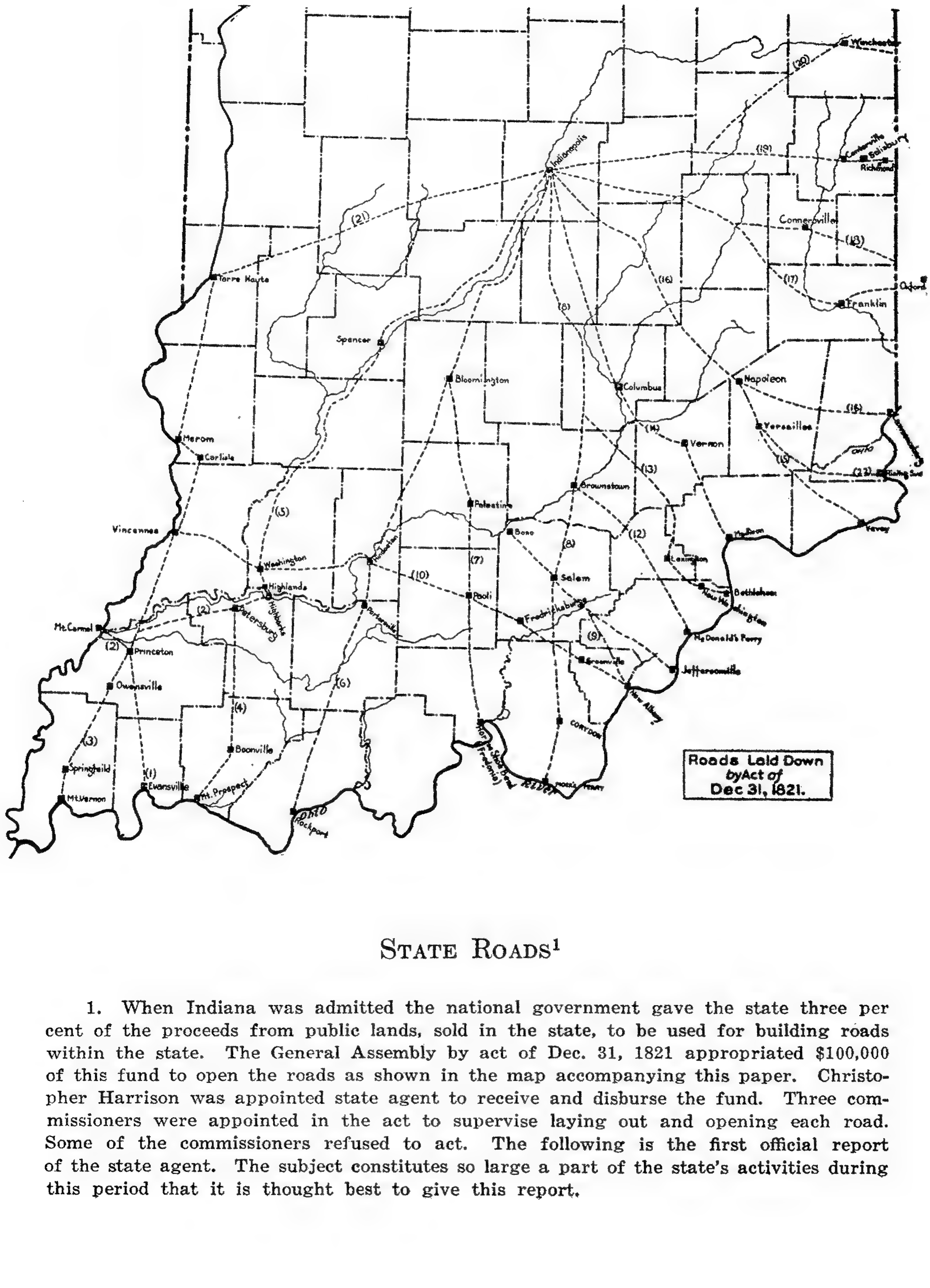
I have the honor to be,

Very respectfully,

Your obedient servant,

R. A. NEW

1. This subject had involved the governors of the border states in controversy for a number of years. The custom of Kentuckians and their friends in Indiana kidnapping free negroes and the custom of aiding runaway negroes had been going on during the whole period. Indiana had stringent laws on the subject but they were seldom enforced and in retaliation Kentucky usually refused to give up persons charged with kidnapping free negroes.



STATE ROADS[1]

1. When Indiana was admitted the national government gave the state three per cent of the proceeds from public lands, sold in the state, to be used for building roads within the state. The General Assembly by act of Dec. 31, 1821 appropriated $100,000 of this fund to open the roads as shown in the map accompanying this paper. Christopher Harrison was appointed state agent to receive and disburse the fund. Three commissioners were appointed in the act to supervise laying out and opening each road. Some of the commissioners refused to act. The following is the first official report of the state agent. The subject constitutes so large a part of the state's activities during this period that it is thought best to give this report.

SALEM, INDIANA, December 1, 1823

Senate Journal, 1823, p. 256-270

LIST OF DRAFTS PAID BY THE AGENT OF THE THREE PER CENT FUND.

EVANSVILLE ROAD NO. 2[2]

JOHN J. NEELY, President

When paid 1823,						
		Amount reported December 1st, 1822				$761 96⅓
Jan'y	4	Draft No.	23,	in favour	L. Holmes for	26 00
	11	"	33	"	John James	100 00
	"	"	32	"	John Owens	100 00
	"	"	28	"	John Welsh	24 67
	"	"	35	"	G. R. C. Sullivan	85 00
	"	"	19	"	James Welton	23 33
	15	"	12	"	Robert Stormont	46 00
	"	"	13	"	John Sids	26 66⅔
	"	"	14	"	Alex'r Johnson	43 33⅓
	"	"	16	"	Amaza D. Foster	49 33⅓
	"	"	17	"	Elias Wheeler	26 00
	17	"	10	"	John Cody	83 33⅓
	"	"	18	"	Arch'd M'Clure	31 00
	"	"	20	"	John M'Clure	22 00
	"	"	22	"	Cha's Mails	11 33
	"	"	31	"	James Dunn	93 14
	"	"	34	"	G. R. C. Sullivan	50 00
	19	"	21	"	Elisha Moyes	26 70
	"	"	24	"	David Nuckerson	40 00
	29	"	15	"	David Niglay	26 66
Feb'y	6	"	30	"	Jno. M. Coleman	24 75
April	4	2	27	"	John Osborn	34 75
	17	"	29	"	Dan'l Vickery	30 83
	"	"	36	"	James Wilton	46 66
	"	"	37	"	Elijah Mays	53 40
	"	"	39	"	John M'Clure	44 00
	"	"	40	"	Arch'd M'Clure	62 00
	"	"	41	"	Josiah L. Holmes	52 00
	18	"	42	"	James Dunn	186 28
May	25	"	38	"	Charles Mail	20 00
June	6	"	25	"	James Andre	30 00
	"	"	43	"	David C. Nuckerson	80 00
	"	"	44	"	James Andre	45 00
July	5	"	11	"	David Niglay	13 33⅓
	"	"	49	"	John Hall	1,500 00
	"	"	50	"	Brazil Brown	210 00
	12	"	48	"	G. R. C. Sullivan	170 00
Aug't	6	"	26	"	Henry French	48 75
	"	"	45	"	Henry French	97 50

2. The committee on this road was John J. Neely of Gibson, Samuel Emmerson of Knox, and James Wason of Sullivan. James Wason settled in Haddon township in the southern part of Sullivan, in 1817.

Sept.	4	"	46	"	John Welsh	49 33
	18	"	51	"	Dan'l Vickery	61 67
						$4,556 71⅓

PETERSBURG ROAD NO. 3[3]

HENRY BRENTON, President

When paid						
1822		Amount reported December 1st, 1822				$384 75⅔
Dec'r	9	Draft No.	14,	in favour	Henry Crow	39 66⅔
1823						
Jan'y	13	"	16	"	James Joy	56 66⅔
	"	"	17	"	James M'Cune	19 99
	"	"	18	"	Henry Brenton, jr.	40 00
March	3	"	21	"	John Case	44 58½
	"	"	22	"	Peter Brenton	45 33⅓
	8	"	20	"	Dan'l M'Fetridge	132 66⅔
April	17	"	19	"	Henry Beck	24 00
	"	"	23	"	John Case	189 98½
Nov'r	1	"	35	"	John Case	518 23
						$1,495 87⅔

SPRINGFIELD ROAD NO. 4[4]

WILLIAM CASEY, President

When paid						
1822		Amount reported December 1st 1822				$321 93
Dec.	21	Draft No.	6,	in favour	James P. Drake	49 00
1823						
Jan'y	17	"	1	"	James V. Drake	19 00
Jan'y	17	"	7	"	John Waller	55 07
	"	"	8	"	Henry Casey	42 69
	23	"	11	"	Elias Altigeir	25 73
	29	"	4	"	Jno. Schnee	15 00
	"	"	10	"	William Nelson	51 46
	"	"	18	"	Jesse Emmerson	130 50
	"	"	17	"	Laban Day	111 67
	"	"	16	"	Tho's Lovett	105 94
July	5	"	13	"	Dan'l M. Garey	8 00
Aug't	6	"	20	"	James Smith	50 00
	27	"	21	"	Robert Downey	261 75
Sept.	18	"	22	"	James Robb	200 00
						$1,447 74

3. The commissioners appointed for this road were James Robb of Gibson, Henry Hopkins and John Case, both of Pike county.

John Case was an early settler of Jefferson township, Pike county, 1814. He was elected a justice at their first election, Feb. 25, 1817. At the same time Henry Hopkins was a justice in Madison township and 1823 an associate judge.

Henry Brinton settled in Madison township in 1807. He helped build the first county courthouse.

John Robb was a son of Capt. David Robb.

4. The commissioners on No. 4 were William Casey of Posey, Dan Lynn of Posey and Jesse Emmerson of Gibson. Lynn had been a member of the house of representatives three terms.

Boonville Road No. 5[5]

Isaac Montgomery, President

When paid						
1823		Amount reported December 1st, 1822			$370	00
April	17	Draft No.	2,	in favour Henry Brenton	50	66⅔
	"	"	3	" Dan'l Smith	46	66⅔
	28	"	4	" Elijah Dedman	46	66⅔
	"	"	5	" William Buckler	100	00
	"	"	6	" Adam Snyder	66	32
	"	"	7	" Kelly Johnson	65	98½
	"	"	8	" William Barker	83	28¾
April	28	"	9	" John Kilpatrick	19	00
	"	"	10	" William Hopkins	46	63½
	"	"	11	" William Barker	127	25
Nov.	19	"	12	" John Brownlee	88	00
	19	"	13	" John Brownlee	597	96
					$1,708	43¾

Washington Road No. 6[6]

When paid						
1822		Amount reported December 1st, 1822			$294	81¼
Dec'r	2	Draft No.	12,	in favour James Leaverton	35	16⅔
	25	"	7	" Cha's Sinks	5	32
	"	"	11	" John Andrews	37	16½
	"	"	18	" Sam'l Ventrees	47	91
1823						
Jan'y	27	"	29	" Aaron Freeland	104	32
	28	"	26	" Emanuel Ventrees	50	00
	"	"	28	" Elijah Chapman	13	32
Feb'y	6	"	14	" Thomas Bull	10	99
	8	"	10	" Jacob Cutler	87	66⅔
	11	"	9	" John Dieson	50	50
March	24	"	23	" John Andrews	72	41
	27	"	35	" Sam'l Dyer	39	00
	29	"	5	" Peter Herrington	48	00
April	4	"	2	" Wm. M'Cormick	112	00
	5	"	13	" David Johnston	16	00
	"	"	15	" Reuben M. Daniel	14	66⅔
	"	"	27	" Philip Hedges	40	00
	"	"	34	" Philip Hedges	100	00
	"	"	37	" David Johnson	62	33

5. The commissioners were John McCord and George W. Zevault of Warrick and Isaac Montgomery of Pike.

Isaac Montgomery was in the state senate 1818 to 1821.

6. The commissioners were Elijah Hammon of Pike, Benjamin Stafford of Green and William McCormick of Daviess.

William McCormick was one of the first settlers of Washington, operating an ox mill for a time.

Benjamin Stafford, for whom Stafford township was named, came to Greene county from Kentucky in 1817.

	"	"	39	"	Jacob Cutler	215	15
	7	"	4	"	Rich'd Osborn	40	00
	"	"	24	"	James Leaverton	70	34
	11	"	21	"	Sam'l Read	40	00
	"	"	33	"	Philip Shintaffer	64	00
May	6	"	6	"	Aaron Freelow	42	64
	6	"	36	"	Emanuel Ventrees	117	12
	"	"	38	"	Seth Reddick	100	00
	8	"	22	"	Thomas Irons	40	00
	25	"	30	"	Philip Hedges	39	00
	"	"	31	"	John E. Clark	40	97
Aug't	12	"	3	"	Eliza Chapman	75	00
	26	"	50	"	Philip Hedges	65	14
Sep'r	3	"	51	"	Thomas Read	6	00
	6	"	52	"	J. W. Wines	100	00
	15	"	53	"	Thomas Irons	175	00
	28	"	54	"	Cha's Sinks	14	63
Nov.	1	"	55	"	John Johnson	28	75
	"	"	½	"	*Christ'r Ladd	14	00
						$2,529	31¾

*This draft is signed also by the commissioners of the Horse Shoe Bend Road.

Rockport Road No. 7

Michael Buskirk, President[7]

When paid						
1822		Amount reported December 1st, 1822				$539 94
Dec'r	28	Draft No.	9½,	favor	Levi V. Lockheart	104 34
1823		"	11½	"	John Henderson	57 50
Jan'y	8	"	12½	"	William Mattox	33 67
	"	"	14½	"	John Mattox	34 35
	"	"	18½	"	John Armstrong	108 32
	18	"	20½	"	Green & Pollard	120 00
	23	"	13½	"	Nathan Fisher	10 67
	"	"	15½	"	James Doke	70 99
	"	"	16½	"	John Bausman	13 37
	"	"	23½	"	Michael Buskirk	270 00
	"	"	27	"	William Wright	19 84
	"	"	15	"	Even Ross	21 00
	28	"	17½	"	John Fulfer	33 33
Feb'y	6	"	14	"	James M'Elwain	14 66
	"	"	33	"	James M'Elwain	29 34
	19	"	10½	"	Thomas Paygn	17 34

7. The commissioners were Joseph D. Clements, of Martin, Michael Buskirk of Monroe and Samuel Snyder of Spencer county.

Samuel Snyder settled in Spencer county in 1816. He was an associate judge in 1818.

Michael Buskirk was one of the early settlers of Monroe county. From 1818 to 1824 he was a county commissioner; in 1825 he was appointed a justice, becoming an associate judge the same year.

March	11	"	24	"	Absalom Roby	60	00
	27	"	28	"	James Seals	16	00
May	8	"	7½	"	Zedekiah Wood	20	67
	"	"	6½	"	Adam Jameison	20	67
May	8	"	8½	"	Sam'l Moor	20	67
	"	"	19½	"	John Gray	33	34
	"	"	25	"	Azel Dorsey	15	34
	"	"	26	"	Zachariah Barnet	26	67
Sep'r	2	"	28½	"	James Prentiss	150	00
Oct'r	4	"	22½	"	Michael Buskirk	200	00
	16	"	29½	"	Joseph D. Clements	30	00
	21	"	31½	"	Joseph D. Clements	25	75
Nov.	24	"	27½	"	And'w Denton	21	00
						$2,138	77

Horse Shoe Bend Road No. 8

Samuel Chambers, President[8]

When paid							
1822		Amount reported Dec'r 1st 1822				$591	39
Dec'r	11	Draft No.	17,	in favour	Isaac Sterns	57	70
	18	"	11	"	Joseph Hill	23	33
	29	"	22	"	Sam'l Chambers	105	00
1823	"	"	25	"	John Anderson	95	25
April	4	"	31	"	Joseph Hill	46	66⅔
	"	"	33	"	Absolam Freeman	56	66⅔
	5	"	20	"	Thomas I. Mattock	46	45
	11	"	24	"	Simpson Kilgore	53	33⅓
	15	"	10	"	Alex'r M. Daniel	22	08
	"	"	23	"	Isaac Anderson	82	00
	"	"	30	"	Alex'r M. Daniel	42	16
	"	"	38	"	S. M. Leavenworth	273	32
	"	"	41	"	Joseph Johnson	50	00
	"	"	42	"	John Anderson	22	75
	"	"	43	"	Jonathan Braxton	85	80
	18	"	47	"	William Elrod	26	66⅔
May	8	"	39	"	Thos. I. Mattock	92	90
	25	"	32	"	Isaac Sterns	10	00
	"	"	40	"	Isaac Sterns	56	25
	"	"	45	"	Thos. I. Mattock	10	00
	"	"	46	"	Isaac Sterns	59	15
July	5	"	29	"	Thomas Irons	175	00

8. This road ran from Fredonia in Crawford county, through Paoli, Palestine (Bedford) and Bloomington to Indianapolis. The commissioners were John Anderson of Lawrence, Samuel Chambers of Orange and Thomas Posey of Harrison.

John Anderson was one of the first settlers of Palestine, being one of the incorporators in 1819. He was the first treasurer of the county, 1818.

Samuel Chambers entered land near Paoli in 1816. He was one of the first board of county commissioners and later served in the senate ten sessions and in the house three.

Thomas Posey was cashier of the branch bank at Corydon and county treasurer.

Aug't	13	"	12	"	Alex'r M. Daniel	2 00
	"	"	27	"	John Anderson	14 00
	"	"	44	"	Sam'l Chambers	37 00
	27	"	26	"	John Henderson	200 00
	"	"	28	"	William Mitlock	500 00
	"	"	35	"	John Anderson	17 50
	"	"	37	"	Isaac Anderson	50 00
	"	"	48	"	Sam'l Chambers	19 25
	"	"	19	"	David Mitlock	70 00
Oct'r	16	"	51	"	Wm. M'Cormick	320 59
Nov.	19	"	52	"	John Henderson	75 00
	"	"	34	"	John Henderson	167 50
	21	"	36	"	John Anderson	35 00
	"	"	52½	"	John H. Farnham	10 00
	"	"	54	"	John R. Porter	15 00
	"	"	55	"	Thos. Lindley	100 00
	"	"	56	"	Sam'l Chambers	16 00
	"	"	57	"	William Irons	12 00
						$3,745 70⅛

MAUK'S FERRY ROAD NO. 9

WILLIAM BAIRD, President[9]

When paid						
1823		Amount reported Dec'r 1st, 1822				$1,421 32⅔
May	6	Draft No.	13,	favor of	Cha's Crab	300 00
	"	"	14	"	Jesse Stanley	50 00
July	1	"	15	"	John Tipton	230 00
	21	"	8	"	Jesse Stanley	116 66⅔
Oct'r	8	"	17	"	H. M'Callen	7 00
	16	"	18	"	Wm. Nicholson	37 50
	22	"	19	"	Heirs of Jno. Craig	112 00
Nov.	1	"	21	"	Charles Crab	50 00
	"	"	20	"	Charles Crab	100 00
	24	"	22	"	John Tipton	34 00
	26	"	23	"	William Rodman	716 66⅔
	"	"	24	"	Richard Beam	24 50
	"	"	25	"	Baird & Boon	223 50
						$3,423 16

9. This road ran from "Mock's" ferry through Corydon, Salem, and Brownstown to Indianapolis. The commissioners were George Boon of Harrison, Jonathan Lyon of Washington, and John Craig of Jackson. Gen. Joseph Bartholomew was to help lay out the road from Brownstown to Indianapolis.

Jonathan Lyons settled in Washington county as early as 1813. In 1817 he was county treasurer, and again 1821-23; from 1823 to 1827 clerk. He sat in the house of the Third Assembly.

Bono Road No. 10

Hugh M'Pheters, President[10]

When paid						
1822		Amount reported Dec'r 1st 1822			$315	03½
Dec'r	9	Draft No. 20,	in favor	David H. Allison	5	55
	17	" 25	"	Robert Evans	11	25
	"	" 24	"	Sam'l Marrs	68	00
	21	" 26	"	John Prow	62	60
1823	25	" 27	"	Robert Nuckols	24	50
Jan'y	13	" 28	"	Thomas Willson	13	33⅓
	"	" 35	"	William Penny	13	33⅓
	"	" 36	"	Dan'l Shoemaker	13	33⅓
	"	" 37	"	Sam'l Martin	14	00
	"	" 38	"	Valentine Crafts	13	33⅓
	15	" 65	"	Geo. Holsapple	16	50
	"	" 67	"	William Jean	15	66¾
	17	" 69	"	David Allison	11	16⅔
	"	" 64	"	Hugh Keyh	18	37½
	18	" 71	"	Fred'k Phillips	26	66⅔
	23	" 66	"	Jehoyida Swanson	17	16½
	"	" 17½	"	Jno. B. Howard	5	91⅔
	"	" 70	"	Jno. B. Howard	11	83¼
	27	" 68	"	William Vest	23	16½
	"	" 72	"	William Richards	50	00
	"	" 73	"	Hugh M'Pheters	57	00
Feb'y	8	" 75	"	Jacob Bixler	108	83¾
	"	" 80	"	Seth Woodruff	33	00
	"	" 81	"	Sam'l B. Moor	13	75
	"	" 74	"	John Breedlove	11	83¾
April	4	" ½	"	John Dalton	27	75
	13	" 82	"	Sam'l Marrs	67	16
	"	" 83	"	John Milroy	17	00
	"	" 84	"	Wm. Richards	39	12½
	"	" 85	"	Wm. M'Neely	15	75
	19	" 86	"	Robert R. Stewart	4	00
	"	" 87	"	Jacob Smith	11	00
Aug't	13	" 88	"	Jno. B. Howard	13	50
	"	" 89	"	Sam'l Marrs	134	31¼
	26	" 90	"	Sam'l Vest	4	62½

10. This road extended from New Albany to Bono by way of Salem. The commissioners were Seth Woodruff of Floyd county and William Richards and Nathan Trueblood of Washington.

Seth Woodruff was a tavern keeper at New Albany as early as 1819 and for many years was one of its best known citizens.

Nathan Trueblood settled among the Quakers of Washington county in 1813. He was a member of the first board of county commissioners in 1817.

William Richards was a county justice in 1825.

Hugh McPheters, an early citizen of Washington county, took the place of Trueblood and became the active member of this board. He was a member of the 12, 13, and 15 Assemblies.

Sept.	15	"	91	"	Christian Pro	7 00
	"	"	92	"	Hugh M'Pheters	45 50
	"	"	93	"	Lewis Brock	82 25
	25	"	94	"	Lewis Brock	5 50
Oct'r	11	"	95	"	Seth Woodruff	50 00
	"	"	96	"	Joseph Akers	5 00
	"	"	97	"	Robert Stewart	8 00
	"	"	98	"	Jese Hickman	2 00
						$1,515 62½

New Albany and Vincennes Road No. 11

John G. Clendenin, President[11]

When paid						
1822		Amount reported Dec'r 1st 1822				$471 28⅓
Dec'r	7	Draft No.	17,	favour of	Thomas Lindley	$43 33
	9	"	21	"	James Harris	43 54
	"	"	19	"	Isaac Lamb	21 66½
	25	"	10	"	Eman'l Ventrees	33 91½
1823						
Jan'y	11	"	20	"	Morris Morris	20 00
	27	"	9	"	Benj. Freeland	16 66½
May	25	"	22	"	George Newton	107 50
June	6	"	27	"	Thomas Lindley	33 66
	"	"	26	"	Abram Markle	60 00
	"	"	23	"	John M'Donald	116 00
	13	"	25	"	William Lindley	53 33½
	"	"	32	"	Abraham Holliday	49 58
	19	"	28	"	Sam'l Willson	20 00
	"	"	29	"	Thomas Lindley	53 33½
	"	"	30	"	John D. Davis	66 67
	"	"	31	"	James Willson	50 00
	"	"	35	"	J. M'Donald, surv'r	7 50
July	1	"	33	"	Emanuel Ventrees	67 83
	"	"	34	"	William Fuller	226 66
	10	"	16	"	Maurice Morris	63 00
	"	"	37	"	Isaac Lamb	53 33
	"	"	38	"	Maurice Morris	40 00
	"	"	39	"	James Haynes	87 08
	21	"	36	"	Joel Scribner	100 00
Nov'r	24	"	24	"	J. G. Clendenin	127 75
	"	"	40	"	John Brown	72 00
						$2,105 62⅝

11. This road followed the old Vincennes trail through Greenville, Fredericksburg, Paoli, Hindostan, and Washington. Benjamin V. Beckes of Vincennes, John G. Clendenin of Orange, and Maurice Morris of Floyd county were the commissioners. All three men served in the Assembly at various times.

JEFFERSONVILLE ROAD NO. 12

WILLIAM P. TWILLEY, President[12]

When paid						
1822		Amount reported December 1st 1822				$432 41½
Dec.	3	Draft No. 9½, in favour			Nath'l Kimball	417 67
1823						
March	8	"	10	"	Patrick & Wheelock	2 00
May	13	"	11	"	Joel Combs	60 00
	"	"	12	"	Wm. P. Twilley	60 00
	"	"	13	"	R. H. Murray	60 00
						$1,032 08½

M'DONALD'S FERRY ROAD NO. 13

JOHN M. LEMON, President[13]

When paid						
1822		Amount reported December 1st, 1822				$309 66⅔
Jan'y	27	Draft No. 8, in favour			Benj. Ferguson	751 04⅓
Oct'r	9	"	10	"	John Carr	570 72
						$1,631 43

BETHLEHEM ROAD NO. 14

WILLIAM PLASKET, President[14]

When paid						
1822		Amount reported December 1st, 1822,				$576 49
Dec'r	7	Draft No. 13, in favour			John W. Green	73 50
	23	"	14	"	Daniel Gorman	50 66⅔
1823						
Feb'y	19	"	16	"	John M'Caslin	24 00
	"	"	18	"	John Hollinbeck	39 34
March	3	"	17	"	Joseph Ogden	24 00
Sept'r	4	"	19	"	Henry Brady	26 50
	"	"	20	"	Solomon Reddick	7 50
	"	"	21	"	Solomon Moffitt	20 00
Oct'r	25	"	22	"	James Ward	63 00
	"	"	23	"	William Plasket	36 75
Nov'r	19	"	24	"	James Ward	22 00
						$963 74⅔

12. This road ran from Jeffersonville to John Flemers in Washington county. Orlando Raymond of Clark, and William Lindley and Joel Combs of Washington were the commissioners. The first two failed to act and William P. Twilley and R. H. Murray took their places. The first board of county commissioners of Washington county met at the home of William Lindley. Joel Combs was first county collector, 1824, a justice in 1820. William Twilley was an ensign in the territorial militia as early as 1814.

13. This road was from McDonald's ferry near Charlestown to Brownstown. William Crenshaw, a pioneer settler of Vallonia in 1812, Evan Shelby, a surveyor of Springville, as early as 1801, and John M. Lemon, a resident of Clark county at least since 1815, were the commissioners.

14. This road ran from Bethlehem in the northeast corner of Clark county via New Washington, Lexington, crossing Muscatatuck at the State ford, thence to lower falls of Driftwood where it met the road from Brownstown to Indianapolis. William Plasket, who settled at Armstrong station in 1797 and helped lay out Bethlehem in

Madison Road No. 15

Joshua Wilkinson, President[15]

When paid						
1822		Amount reported December 1st, 1822			$657	54½
Dec'r	17	Draft No.	36,	in favour Sam'l Chapple	45	33⅓
	18	"	33	" William Brown	50	00
1823						
March	8	"	25	" Sam'l Chapple	39	33
	12	"	26	" William Sanford	29	33
	"	"	27	" Josiah Andrews	62	00
	"	"	30	" Orin Munson	91	20⅔
	"	"	31	" Heirs of J. Parker	75	25
March	12	"	32	" Wm. C. Bramwell	143	50
	"	"	34	" Jeremiah Grover	17	50
	18	"	1	" William Milled	48	12½
	"	"	28	" John Spann	63	33
	"	"	29	" Anthony Badgeley	54	41½
April	1	"	84	" Josiah Andrews	46	50
	17	"	83	" Josiah Andrews	28	66
May	6	"	81	" Wash'n Ferguson	45	65
	13	"	7	" Tho. Rosebery, Jr.	124	66⅔
June	19	"	38	" John Vawter	130	00
July	1	"	8	" Lodge & Arion	4	00
	"	"	10	" R. C. Talbott	2	00
	2	"	35	" Joshua Wilkinson	108	50
	"	"	39	" Joshua Wilkinson	35	50
	"	"	40	" Wm. C. Bramwell	31	00
	"	"	41	" Jeremiah Grover	31	00
	"	"	43	" Lodge & Arion	3	75
	"	"	44	" Joshua Wilkinson	4	00
	"	"	45	" Wm. C. Bramwell	7	00
	"	"	46	" Joshua Wilkinson	7	00
	"	"	80	" Joshua Wilkinson	913	90
Oct'r	4	"	37	" Baird & Boon	265	00
	16	"	78	" John Badgeley	25	33
					$3,190	32 1/6

Vevay Road No. 16

Simeon Slawson, President[16]

When paid						
1823		Amount reported December 1st, 1822			$344	41
March	9	Draft No.	5,	in favour Joseph Bentley	14	90
	"	"	6	" Newton Hart	32	66

1800, James Ward, a justice of Jefferson county in 1813 when Scott was a part of that county, and William Reddick, a Clark county militiaman as early as 1810, an early settler of Jackson county and one of its first set of county officers, were the commissioners.

15. This road was from Madison by way of Vernon and Columbus to Indianapolis. Joshua Wilkinson of Jefferson county, William C. Brumwell of Jennings and John Parker of Bartholomew were the commissioners.

16. This road was from Vevay to Versailles intersecting the Lawrenceburg road near Napoleon. Simeon Slawson and Joseph Malin of Switzerland, and A. W. Stewart of Ripley were commissioners.

	"	"	8	"	Joseph Bentley	26	66
April	17	"	9	"	John Gilleland	8	00
	"	"	10	"	Nathan'l Cotton	30	00
	"	"	11	"	Henry Banta	26	66
	"	"	12	"	Geo. W. Voiles	25	83
	"	"	13	"	Thomas M'Intire	35	00
	18	"	2	"	Leeman Andrews	123	33⅓
May	25	"	4	"	Huston Martin	38	00
	"	"	15	"	Huston Martin	25	00
	"	"	16	"	A. W. Stewart	12	50
	"	"	16½	"	Montgomery Allen	5	75
Aug't	6	"	20	"	Simeon Slawson	15	00
	"	"	19	"	Joseph Malin	15	00
	"	"	18	"	Huston Martin	53	00
	"	"	17	"	John Parsons	53	50
Sep't	25	"	1	"	Lawrence Nichol	14	00
	"	"	21	"	Benjamin Cole	33	00
	28	"	3	"	Geo. Collins	10	28
	"	"	22	"	Tho's Davis	30	00
	"	"	24	"	A. W. Stewart	12	00
Oct'r	22	"	25	"	Huston Martin	90	00
Nov'r	10	"	26	"	Benj. Cole	66	00
						$1,143	23⅓

LAWRENCEBURGH ROAD NO. 17

STEPHEN LUDLOW, President[17]

When paid							
1822		Amount reported Dec'r 1st, 1822.				$688	84
Dec'r	2	Draft No.	5,	in favour	Timothy Davis	1,311	25
	9	"	4	"	Joseph Bentley	66	44
July	28	"	7	"	Isaac Dunn	1,067	04½
						$3,133	57½

BROOKVILLE ROAD NO. 18

SAMUEL SHIRK, President[18]

When paid							
1822		Amount reported December 1st, 1822,				$292	50
Dec'r	21	Draft No.	1,	in favour	P. B. Millsfaugh	11	66⅔
	"	"	7	"	Sam'l Goudie	33	00
	"	"	13	"	Robert Brower	30	00
	"	"	14	"	William Gordon	60	00
	"	"	15	"	Thomas Winscot	76	66⅔
	"	"	17	"	Jonathan Eads	46	50
	"	"	18	"	Sam'l Shirk	73	62½

17. This road started from Lawrenceburg and followed the old trail to Indianapolis. The commissioners were Stephen Ludlow, Timothy Davies and John Walker, all of Dearborn.

18. This road ran from the Ohio line east of Brookville by way of Brookville to Indianapolis. David Mount, Samuel Shirk, and John Davis, all of Franklin county, were the commissioners.

Dec'r	21	"	19	"	Henry Misner	162 50
	"	"	20	"	Andrew Reed	26 00
	"	"	21	"	Peter Vandyke	40 00
	"	"	22	"	Robert Fossett	52 00
	"	"	23	"	Peter B. Millspaw	23 33⅓
	"	"	25	"	Powel Hulick	34 00
	"	"	31	"	H. Beakley & Graves	85 84
June	6	"	12	"	John Davis	56 00
Aug't	12	"	28	"	Sam'l Shirk	273 81
	"	"	30	"	Sam'l Shirk	263 87½
	"	"	32	"	Thos. Wenscot	10 50
Nov'r	10	"	29	"	Sam'l Shirk	225 00
						$1,876 81⅔

Connersville Road No. 19

Zachariah Ferguson, President[19]

When paid						
1823		Amount reported Dec'r 1st 1822				
Sept.	6	Draft No.	2,	favour of	Stan. Royster	$279 00
	"	"	3	"	Stanhope Royster	194 75
	"	"	4	"	Stanhope Royster	552 93⅓
						$1,026 68⅔

Centreville Road No. 20

Levi M. Jones, President[20]

When paid						
1822		Amount reported December 1st 1822,				$233 34
Dec'r	2	Draft No.	9,	in favour	Elijah Lacy	16 87½
	13	"	16	"	Sam'l Stinson	93 33½
	"	"	11	"	Sam'l Stinson	46 66⅔
	"	"	14	"	James Scott	44 75
	"	"	23	"	William Seward	54 00
	"	"	22	"	Banj. Parsons	49 00
	"	"	28	"	William Cook	38 00
	"	"	17	"	John Sutherland	49 99
	"	"	20	"	John Shank	97 00
	"	"	2	"	William Scott	14 00
	"	"	15	"	John Scott	134 50
Jan'y	13	"	7	"	Patrick Baird	21 66⅔
	"	"	18	"	Patrick Baird	43 33⅓
	15	"	19	"	John Smith	65 00
	"	"	24	"	Philip Stiggleman	50 00
	"	"	25	"	William M'Lane	60 00
	"	"	27	"	Elisha Long	49 00

19. This road ran from where the Oxford road touched the state line, through Connersville to Indianapolis—the old Whitewater trail. John Perrin and Stanhope Royster of Fayette county and Zachariah Ferguson of Union were the commissioners.

20. This road ran from the Ohio line at Peter Fleming's through Richmond, Salisbury and Centerville to Indianapolis. The commissioners were James Peggs, Levi Jones, and John Scott, all of Wayne county.

	"	"	29	"	Elias Willits	150	61½
July	1	"	13	"	D. J. P. Fleming	25	00
Aug't	26	"	30	"	L. M. Jones	736	10
Sept'r	28	"	26	"	Thos. M'Cartney	40	00
						$2,112	17

WINCHESTER ROAD NO. 21

JOHN WAY, President[21]

When paid						
1823						
Jan'y	2	Draft No.	1,	favor of	John Way	$109 68¾
	7	"	2	"	John Way	762 35¼
						$872 04

TERRE HAUTE ROAD NO. 22

JAMES BLAKE, President[22]

When paid						
1822						
Dec'r	23	Draft No.	1,	in favour	James Blake	$21 83
	25	"	2	"	John M. Coleman	43 91
	"	"	3	"	John Britton	50 00
	"	"	4	"	Thos. H. Clarke	35 00
1823						
Jan'y	13	"	7	"	Robert Patterson	43 00
Feb'y	8	"	6	"	Benj. Johnston	20 00
May	6	"	5	"	Jesse Rollins	20 00
July	10	"	9	"	Robert Patterson	96 00
	21	"	8	"	Abraham Lewis	10 83⅓
	28	"	13	"	James Blake	61 25
Aug't	6	"	12	"	Abraham Lewis	21 66⅔
	"	"	11	"	Jesse Rollins	40 00
Octr	8	"	14	"	J. M. Coleman	73 50
	11	"	10	"	Benj. Johnston	40 00
						$576 99

RISING SUN ROAD NO. 23

JAMES LEWIS, President[23]

When paid			
1823		Amount reported December 1st, 1822	$326 29
July	28	Draft No. 13, favor of Joseph Bentley	175 56
			$501 86

CHRISTOPHER HARRISON
Ag't for the 3 per c't. fund.

21. This road ran from where the Greenville road struck the state line, through Winchester and joined the Richmond road 20 miles from Indianapolis. Joshua Foster, John Way and Ishem Puckett, all of Randolph county, were commissioners.

22. This road connected Terre Haute and Indianapolis. No intermediate point was named. The commissioners were James Blake, of Indianapolis, and John Hamilton and John M. Coleman of Vigo county.

23. This road connected Rising Sun with Versailles. John Barricklaw and James Lewis of Dearborn, and John Hunter of Ripley were commissioners.

Regular Message

December 2, 1823

Senate Journal, 1823, 7-14
Western Sun, December 20, 1823
Indiana Gazette, December 10, 1823

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:[1]

In meeting together for the purpose of discharging the important trusts committed to us, our minds are naturally led to a retrospect of the past, as well as to a contemplation of the future—to those incidents which mark the providential interference of a great superintending cause, and the large degree of gratitude we owe for the bounties of the past year. We have enjoyed peace and tranquility at home and abroad, have witnessed the influence of good principles and religion on the morals of men, have seen general health restored to the community, after a season, however, in which the autumnal diseases of the country have been less severe than in former

1. Following are the members of the Assembly of 1823:

HOUSE

County	Name
Switzerland	Stephen C. Stevens and Ralph Cotton
Marion, Hamilton, Madison, and Johnson	James Paxton
Randolph	John Wright
Rush, Decatur, Shelby and Henry	Thomas Hendricks
Crawford	Elisha Tadlock
Scott	William D. Clark
Perry, Spencer, Dubois, together with Luce township, in Warrick county	David Edwards
Vanderburg, and part of Warrick	Robert M. Evans
Pike	John Johnson
Union	Sylvanus Everts
Orange	Ezekiel S. Riley and John G. Clendenin
Monroe	David H. Maxwell
Washington	Alexander Huston and Ezra Childs
Clark	William G. Armstrong and Reuben W. Nelson
Jefferson	Copeland P. J. Arion and David Hillis
Wayne	Robert Hill, Abel Lomax and William Jones
Sullivan	Henry D. Palmer
Jackson	William Marshall
Floyd	Alexander S. Burnett
Fayette	James Brownlee
Harrison	Dennis Pennington and John Zenor
Bartholomew	Benjamin Irwin
Jennings	William A. Bullock
Knox	James B. M'Call and John Law
Dearborn	Benjamin I. Blythe, David Bowers and Samuel Jelly
Lawrence	Vincent Williams
Ripley	Robert Kennedy

years; and whilst others are complaining of the want of the necessaries of life, the great complaint of our citizens is a superabundance of those necessaries; or, what is the same thing, the want of a market for our surplus produce.

Shortly after the close of the last session, the work of revision of the laws was commenced, and has recently been brought to a close; a report of which will be made to you, on the day required by the act authorizing that service. This report will notice various amendments deemed necessary to be made in our code, and supersede the necessity of mentioning them in this communication.

The copies of a joint resolution of the General Assembly relative to the Illinois Grant in Clark county have been duly forwarded, and it is satisfactory to know that they have safely arrived, and to receive assurances that the early attention of the Legislature of Virginia would be directed to the subject.[2]

	HOUSE—Continued
Franklin	George L. Murdock and David Oliver
Putnam and Montgomery	Amos Robertson
Posey	John Schnee
Daviess and Martin	James G. Reed
Gibson	John Milbourn
Parke and Vigo	Thomas H. Blake
Green, Owen and Morgan	Eli Dixon

H-J-1823-21-23

SENATE

County	Name
Orange, Monroe and Lawrence	Samuel Chambers
Switzerland and Ripley	George Craig
Warrick, Vanderburg and Posey	Elisha Harrison
Jackson, Scott and Bartholomew	William Graham
Spencer, Perry, Dubois and Warrick	Daniel Grass
Dearborn	John Gray
Marion, Hamilton, Madison, Johnson, Shelby, Rush and Henry	James Gregory
Fayette and Union	Lewis Johnson
Washington	Samuel Milroy
Pike and Gibson	Isaac Montgomery
Wayne and Randolph	James Rariden
Franklin	James B. Ray
Knox, Martin and Daviess	Frederick Scholtz
Harrison and Crawford	James B. Slaughter
Jefferson and Jennings	Milton Stapp
Clark and Floyd	John N. Thompson

Sen. Jour. 1823, p. 22-23

2. This resolution, approved January 6, 1823, after reciting that the original records of the grant were deposited in Jefferson county, Ky., and that many surveys were still incomplete, asked that the legislature of Virginia have the records sent to Clark county and a commission appointed to settle the matter.

Jan. 2, 1781, Virginia granted to Clark and his men a tract of land not exceeding 150,000 acres. In 1783 a commission was appointed to locate and survey the grant. William Clark, brother of Marston G., was the surveyor in chief. There were 300 claims. The records of this board are to be found in English, *Conquest of the Northwest, 1023-1141.*

Shortly after the last session of the legislature, a letter was received from the Governor of Illinois enveloping a certified copy of an act of the legislature of that state, relating to the navigation of the Wabash. By this act the governor was authorized to appoint commissioners to examine, in conjunction with commissioners from this state, the obstructions in the navigation of that river, from its mouth to the point due north of Vincennes, where it ceases to be the boundary of the two states. This commenced a correspondence which resulted in the appointment of commissioners for the purpose of examining the "Grand Rapids" of that stream, and the minor rapids, shoals, ripples, and obstructions, both above and below for the distance of fifteen miles, agreeably to the act of the General Assembly of Indiana of the 2d of January, 1822. On the part of this state, William Polke, Esq., of Knox county, was appointed commissioner, who in conjunction with a commissioner on the part of Illinois proceeded, on the 27th of October last, to the discharge of the duties required. From these commissioners a report has already been received, [see January 10, 1824 below] containing much valuable information relative to that river.

The statute under which this examination was made confined it to the distance of fifteen miles, including the "Grand Rapids". I was somewhat pressed to extend the examination as far as the point due north of Vincennes, where that river ceases to be the boundary of the two states, but declined going beyond the authority given by the statute. In the belief, however, that the legislature would incline to accord with the wishes of Illinois on that subject, and perhaps to authorize even a more extensive examination, the commissioner on the part of this state was requested to collect all the information he could on the subject of obstructions to the navigation of that stream, from Vincennes to the portage near Fort Wayne. On this subject, an unofficial letter has been received from Mr. Polke, an extract from which, together with the report of the commissioners, is submitted for your consideration. The navigation of the Wabash is justly considered of great importance to the people of Illinois, and it is certainly of greater importance to the people of Indiana. Every correct information on this subject, though at a period in which the treasury can afford very little to the purposes of internal improvement, will, it is presumed, be acceptable to the legislature.

I have also received from the Governor of Illinois sundry resolutions of the legislature of that state on the subject of the claim originated by the state of Maryland to grants of land from the United States for the purposes of education. These have been forwarded for the legislature of this state.

A communication has also been received from the "President of the board of canal commissioners of Illinois," enveloping "an act to provide for the improvement of the internal navigation of that state." The object of this communication is, to draw the attention of this state to the subject of "connecting the navigation of the Wabash and the Maumee river, by canal communication." This subject and communication are likewise referred to your consideration.

A resolution of the General Assembly of the state of Ohio, on the subject of fugitives from labour, has been received, and is also laid before you.

I have received from the Governors of New York and Georgia resolutions of the legislatures of those states, expressive of their opinion unfavourable to any amendment of the constitution of the United States so as to confine the General Government in establishing banks, or other monied institutions, to the District of Columbia. A similar resolution of the legislature of Massachusetts has also been received; all of which are laid before you.

In the present embarrassed condition of the finances of the state, you will reasonably expect to devote much of your attention to the revenue. You will expect to be informed of the amount of the state debt, of the current expenditures of the government, and of the competency or otherwise of the revenue in existence to meet the demands of the ensuing year. Much of this duty more properly belongs to the Treasurer of state, who will in due time give you information on these subjects, more specially than will be attempted in this communication. For the present, suffice it to say that the state debt, including the bonds in the hands of the Treasurer of the United States, with interest thereon, Treasury notes outstanding, and audited warrants in circulation, amounted on the 30th day of November, 1822, to $30,338; and if the appropriation for the Court House at Indianapolis, be taken into the account, $8,000 may be added to that sum.

The state debt, including the bonds aforesaid, Treasury notes, and audited warrants in circulation, amounted on the 29th day of November last to $28,339, to which some claims

not yet presented to the auditor, say $2,000 may be added, as also part of the appropriation to the Court House at Indianapolis, which remains unpaid.

The revenue assessed for state purposes, during the fiscal year which terminated on the 30th day of November, 1822, and which was payable by law, into the Treasury, on the second Monday of December last, after deducting the commission allowed for collection, amounting [*amounted*] as per annual statement of the auditor to $30,000; of that sum only $23,320.53 have been paid, and the sum total of the receipts into the Treasury for the last year, ending the 29th of November last, amounted to $28,329.60. The expenditures of the Government during that year amounted to $26,592.62.

The revenue assessed the last year, and which ought to be paid into the Treasury on Monday next, cannot be known at the office of the Auditor, owing to the negligence of some of the clerks in not forwarding statements to that office.

The revenue of the state stands pledged for the redemption of the Treasury notes, outstanding in amount near $20,000. This sum, with the principal and interest now due on the transferred bonds, and the audited warrants in circulation, is that for which special provision is necessary to be made at the present session; for the revenue shortly payable, under the present mode of collecting, cannot be estimated with any kind of safety as more than sufficient to meet the current expenditures of the year.

The means to which you will most naturally look are a loan, or the re-issue of Treasury notes. To the re-issue of Treasury notes, if possible to avoid it, there are the most solid objections. They do not answer the purposes of a circulating medium, for which they were originally intended. They are a depreciated currency, the existence of which is only valuable to brokers and exchange dealers, while they are prejudicial to the creditors of the state, who are compelled to receive them. Their existence is prejudicial to, and retards the collection of, the revenue; for individuals with good funds will hesitate to pay, while a prospect remains of purchasing depreciated Treasury notes for the payment of their taxes; and this evil is believed to be of serious magnitude.

But the next consideration is, can a loan be obtained? Enquiry during the recess of the legislature has been made on this subject, the result of which is that a partial loan, at least, can be obtained. Would it not then be better to authorize a loan

to a certain amount, and, in the event of the whole sum not being procured, to authorize the re-issue of the residue of that sum in Treasury notes? Should a loan of ten thousand dollars be obtained, in Treasury paper only, the advantage of even this would be great. It would take that amount from circulation, and put the balance outstanding at par, or nearly so, and it would relieve the state, from the imputation of encouraging a depreciated circulating medium, a species of banking without capital which she wholly discountenances in others.

Another means of fiscal supply for the present would be, the bringing into the Treasury the county Seminary funds; and this measure is perhaps more loudly demanded for the safety of the funds, than for the aid of the state. It is hazarding little to say that in many of the counties these funds have not the best management. By the existing laws, the trustees of the county seminaries, are authorized to loan them to individuals, and would they not be safer in the hands of the state? The trustees have six per cent. for their services, and this would be saved to the funds. These funds ought to be permitted to grow to a considerable amount before their appropriation to seminary purposes; and being in the Treasury of the state they would be in less danger of disbursement before they could be useful to education and the purposes of the constitution. But the legislature ought not to bring these funds into the Treasury with a view of paying interest for them longer than the Treasury might require their use, or with a view of retaining them after the existence of seminaries in the various counties might require their employment. When the Treasury should be in a condition no longer to require their aid, which ought to be the case in a very few years, it would then be a question for legislative consideration, whether the advantage of these funds would be best consulted by remaining in the Treasury without interest, or by their return to the hands of trustees, under the present or a similar system.[3]

The competency of the revenue depends on the certainty and promptitude of its collection, as well as its nominal

3. By act of Jan. 26, 1818, the Assembly provided for a system of public county seminaries. A trustee in each county was appointed to receive all fines and preserve them as a fund for the establishment of a county seminary. The trustee received six per cent for handling the money. It is safe to say these trustees were able to defeat the measure recommended by the governor. See *Act*, Jan. 31, 1824. A large amount of this money was lost. What remained was converted into the common school fund by the constitution of 1850.

amount. The law ought to require collectors to give special bonds for the faithful performance of that duty.

At present there is no provision, compelling the sheriff as collector to give any other than the bond he is required to execute before he enters on the discharge of the duties of his office; and when any other person becomes collector, there is no *positive* law requiring such person to give bond at all. A certified copy of the bonds of sheriffs and collectors ought to be forwarded to the office of the Auditor, and not to that of the Secretary of state. The informality and insufficiency of the bonds of public officers is another defect in our laws which calls loudly for legislative interposition. These considerations will present you in one view with great, and in some instances insurmountable, difficulties in the collection of the revenue. The present system makes it uncertain whether the sheriff or some other person is collector. No bond to shew that fact is ever filed in the Auditor's office, and in but few instances is the law complied with which requires certified copies to be filed in the office of the Secretary of state. Of course it cannot be known at the proper department who is accountable for the revenue of the various counties; and where accounts are forwarded by the Auditor to attornies for collection, they have in some instances to search the clerk's offices for the collector's bonds, where they frequently find loose informal ones and in some cases none at all. Judgments in these various and numerous ways are prevented from being obtained, and the tardy payments, of leisure and convenience to the collector, have in some instances to be submitted to as the only mode of settlement with them. This state of things need only be presented to your view to obtain its appropriate remedy.

For remedy of these evils it is believed the best mode will be, to put the collection of the revenue of the state into the hands of the Attorney General, and make the collectors suable in the circuit court, at the seat of government. The percentage at present allowed to attornies for that service will be sufficient. The fact of suit so far from home will be a stimulus to the collectors in distant counties to make such suit unnecessary. An equitable remedy, where the bond should be found insufficient, and where there might be no bond at all, should be created against them. To prove that they had received the duplicates, and that they were sheriffs or

collectors in their counties, should be sufficient for the sum stated in the duplicates. The burden of proof, for everything exculpatory, ought to be put upon them. A certain interest, too, not to be affected by the contingency of judgments, ought to ensue a failure (say at the rate of six per centum per annum, from the time payment became due until it should be made), and let this calculation and settlement rest with the Auditor. This might be in addition to the ten per cent. now consequent on judgments, or in lieu thereof. With these incentives to industry and punctuality, there can be no doubt but that collections of the revenue would not only be much more prompt and certain, but that in some instances there would be greater amounts paid.

The duplicates might be delivered to the collectors sooner. They should be authorized to collect, and required to pay into the Treasury, at an earlier day than that prescribed by law.

It is confidently believed that if these changes had taken place in the collecting system last year, and the seminary funds been brought into the Treasury, that we would now have been ahead of our present condition, eight or ten thousand dollars. And it is as confidently believed that if those measures be adopted this year we shall be able at our next meeting to lessen the burdens upon agriculture, or dispense with some other object of taxation. There is, however, connected with this opinion, a belief that the objects of appropriation for the present and future years, until the state debt be paid, will not be as numerous as those of the past year. The penitentiary will not require so great an appropriation, and the Indianapolis fund will probably meet the demands of the state in that quarter, in the erecting of public buildings.

On the subject, too, of taxes on unlisted lands, some further accountability of the collectors is necessary. This opinion is founded on the fact that this provision of the revenue laws has heretofore been almost entirely inoperative. Very few collectors since its enactment appear to have taken any notice of it.[4]

Connected with the state debt, I lay before you voluminous documents giving a history of the cancelling on the 10th and 17th of September, 1822, of $25,397 of the then existing state debt. These documents have been received, with a request

4. The revenue act of January 30, 1824, contains nearly all the points here suggested.

that they might be submitted to the inspection of the legislature.

On the subject of electors of President and Vice President, no provision authorizing their election by the people has as yet been adopted. Permit me to refer this subject to your favourable consideration.[5]

Some legislative definition seems necessary to that clause of the constitution which declares that "no act of the General Assembly shall be in force, until it shall have been published in print."

Legislative construction seems also necessary on that clause of the constitution which directs the transmission of the returns, and the counting of votes, for Governor and Lieutenant Governor. *How, when* and *where* the validity of the returns for those officers are to be tested and determined ought to be regulated by law.

In the criminal code it is believed that some salutary improvement may be made in the gradation of punishments. For some descriptions of larceny a year's confinement to hard labour and the cells in the state prison is certainly too severe.

In the management of that institution experience has shewn that further legislation is necessary. Responsibility for the safe keeping of the prisoners ought to be connected with a controul over the prison. This should be required of, and given to, the agent or the keeper. This subject will however, be probably represented to you by the officers of the institution, more correctly and more in detail than my means of information will enable me to present it.

In the prosecution of your arduous duties on these and all other subjects which may come before you, it will give me great pleasure to afford you every aid within the sphere of my constitutional powers.

WILLIAM HENDRICKS

5. By act of Jan. 14, 1824, electors were to be chosen by popular vote on the first Monday of every presidential year.

SPECIAL MESSAGE: COMPILATION OF THE LAWS[1]

December 3, 1823

Senate Journal, 1823, 18-23

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

Herewith is submitted to the General Assembly a compilation of the laws, agreeable to the provisions of "An act providing for the revision and compilation of the statute laws of this state," passed December 31st, 1822.

The statute authorizing this compilation vested no power in the revisor to *alter* or *amend* the existing laws. This in many instances rendered the execution of the work more difficult, and this difficulty in some cases induced a departure from the letter of the revision act, in the interpolation of some amendments and a change of some provisions in the statute book. This however has not been done but in cases where reasons the most obvious and strong dictated: cases few in number, generally expletive in their character, and which for the most part are pointed out in this report that they may be seen, approved of, or rejected by the legislature.

To this class of cases may be referred an amendment of the last session to the execution law, and in transferring of which to the revised bill the distinction is done away betwixt judgments replevied and judgments not replevied in the sale of real property on execution. This was believed to be the meaning of the legislature which enacted it, and this construction too accords with a late decision of the Supreme Court on the provision itself.

To this act a section is also added authorizing a release of the body taken on a *ca. sa.* [*Capias ad satisfaciendum*] on delivering property to the sheriff sufficient in his estimation to satisfy the judgment.

In the practice act, a provision is incorporated for taking deposition *de bene esse*. To the act to provide for commissioning sheriffs and coroners a section is attached requiring

1. The General Assembly had contracted with Judge Benjamin Parke to compile the laws of the state but sickness had interrupted his doing this and the tasn was taken up by the governor. This was the first revision of the state laws. It is creditable to Governor Hendricks that he refused any compensation for the work, although it was tendered him by the General Assembly. This revision also contains the laws passed by the Assembly of 1823.

those officers, when appointed *pro tem.*, to give bond and security, and authorizing a writ of election to fill such offices at the ensuing general election; also a provision for vacancies which happen immediately preceding a general election, and where no *pro tem.* appointment or writ of election can issue intervening such vacancy and election.

The great defects in the law of executors and administrators are generally admitted. The statutes on this subject, after the most careful compilation, presented a rude mass of materials, incapable of forming a good system. The sections, particularly, on the subject of distribution appeared to have too much ambiguity to make them sufficiently certain by any rule of legal construction. Accordingly, a probate system entirely new has been prepared and is presented for your consideration. Should this be rejected, the compilation of the old system is completed and needs only to be copied. That presented, however, has been selected with the greatest care, principally from the revised codes of other states. Its provisions have been tested by experience elsewhere, and would, no doubt, if adopted, be valuable here.

A section has been attached to the practice act, declaring that bonds given by public officers and recognizances required by law shall not be void for want of form; and that when such bond or recognizance has not the substantial matter required by law, the principal obligator and his securities shall not on that account be discharged, but shall be equitably bound to the state or the party interested.

A provision has also been inserted in the "Act to provide for the partition of real estate" authorizing the commissioners, if thereunto required, to assign and set over to the widow her dower when called upon to partition decedents' estates among the heirs.

The above will be sufficient to show the nature of the amendments introduced, and will be found to specify those which are the most important.

But in the progress of the work many imperfections and improprieties have suggested themselves, whereas the authority was not given, the liberty has not been taken of inserting amendments.

Some definition ought to be given to the equitable title in which the widow is by law entitled to dower.

Some further provision also is necessary in the law prescribing the mode of changing the venue, so as to change the venue to a different circuit in chancery cases where the presiding judge is interested, or where he has been professionally concerned. For such cases no other provision at present exists than a direct transfer to supreme court, by which the parties lose the benefit of a decision in the circuit, and are compelled to submit to the only decision which the law gives in the case.

In revising the laws on the subject of the judiciary, the powers and duties of the court of probate, have been collected into a short act, entitled "An act to establish courts of probate." No law heretofore gave that court a name, and it has been called into existence only by the acts prescribing the duties of its judges. A section should be added giving it a seal.

The plan of the revision now presented is that pointed out by the statute authorizing it, with departures however therefrom in some instances, which it seemed impossible to avoid. The statutes on the same subject have been presented in one view. The boundaries of the counties have been collected into one act, in which many sections, at first necessary for the formation of new counties, are excluded. In designating the boundaries, however, there is more probability of error, from the many changes and uncertain descriptions of the laws fixing them, than perhaps in any other part of the work. The boundaries of some of the old counties could only be traced by those of contiguous ones, and in some instances no traces of original boundary can be found in the statute books.

The sections on the subject of county libraries, and of the ten per centum reserved by the constitution for that purpose, have been left out, and general provisions on those subjects introduced elsewhere.

Interspersed through the books are found many statutes which have never been amended. These have been generally left as they were found, and are reported by their titles. Those of them which are general in their operation, and public in their character, it would be advisable to transfer to the revised code; but a large mass of them are private acts, such as the incorporation of towns, bridge companies, and so forth, which it would seem unnecessary to reprint in any other way than by their titles.

In the acts of incorporation, where the existence of a statute beyond a specified time depends on conditions, it is probable some acts may be reported as in force which are not so. Such cases are especially referred to the representatives who are from their vicinity.

In the execution of this work, I am indebted to the assistance of Judge [James] Scott [of Clark county], for the judiciary, Judge [Jesse] Holman, [of Dearborn county] for the practice act, and to the Treasurer of State for the law of executors and administrators and the criminal code.

To Judge [Benjamin] Parke [of Salem] I am indebted for a brief of the British statutes in force in this state. Some of these have been transferred to the revised bills. The most of the residue are either substantially introducd into our code already, or are so much incumbered with extraneous matter, or the obscurity of the dark ages of British jurisprudence, that it has been thought best not to bring them into the compilation. They are, however, in a situation to be inspected by committees of the legislature, who may be able to judge of the propriety of inserting or rejecting them.

It is my own opinion that our code can be but little benefited by all the gleanings which can be made from the British statute books. The references to British law, which are so frequently made in our courts of justice, are almost entirely to reports of judicial decisions and not to the acts of parliament. Lest, however, anything may be omitted which a particular occasion might deem important, it has been thought prudent to retain in our code "An act declaring what laws shall be in force"; and, for the same reason, that part of the practice act has been retained which declares the British statutes of *jeofails*, and so forth in force in this state, tho it is not known that there is any provision in those acts of parliament which are not substantially and in sufficient detail introduced into our statutes.

To the Secretary of state I am indebted for copying the work, whose services are referred to the legislature for the compensation to which they are entitled.

This work, however far short it may fall of your expectations or my own wishes, was one of much labor; and whether it may have the good fortune to meet your approbation or not, it is confidently hoped and believed that it will be found

useful in relieving the legislature from a great mass of labor in any revision which they may procure or adopt. In this hope and with this wish, it is most respectfully submitted, and with no other request in relation to it than that in this spirit it may be received.

Should a revised code be adopted at the present session, permit me to suggest that it would be desirable that the person appointed to superintend the printing should be authorized to preface it with the Declaration of Independence, the Act of cession of Virginia, by which that state ceded to the United States the territory northwest of the Ohio river, the Ordinance of Congress for the government of that territory, the Constitution of the United States with its amendments, the act of congress to enable the people of the Indiana territory to form a constitution and state government, the constitution of the state of Indiana, and the Ordinance of the convention accepting the propositions of congress.

It is respectfully suggested that copies for exchange with other states, at least, ought to be well bound and lettered; also a few copies for the secretary's office, and for the use of the supreme and circuit courts. The residue of the copies might be half-bound or bound in boards.

Having but one copy of the bills, and those appertaining to revenue, belonging in the first instance to the house of representatives, I submit to that branch of the legislature the revision in toto, to be communicated to the Senate and to take whatever course the interchange of business and the order of the two houses may direct.

WILLIAM HENDRICKS

STATE TREASURER'S REPORTS

December 3, 1823

Senate Journal, 1823, pp. 23-26

TO HIS EXCELLENCY RATLIFF BOON, *President of the Senate*, SIR,

The Treasurer in obedience to a resolution of the Senate, requiring him to report specially the amount of monies paid into the Treasury by sheriffs, as tax on taxable property, unassessed for the four preceding years; begs leave to report:

That Noah Noble, Esquire, sheriff of Franklin county, did pay into the Treasury ten dollars and sixty cents, collected by him of unlisted lands in 1822—and twenty one dollars and forty cents for tax collected of non-residents after the lands had failed to sell; that the above are the only sums of the kind, paid to the present Treasurer, and that there are no other entries on the books of similar payments, within the time specified. The present Treasurer begs leave further to state, that his predecessor has told him that he never made any distinct entries of payments for unassessed property—that he usually sent collectors to the Auditor to ascertain the amount they were to pay, and that a general entry only of such payment was made.

I have the honour to be,

Your humble servant,

SAM'L MERRILL *Treasurer*[1]

TO HIS EXCELLENCY RATLIFF BOON, *President of the Senate*,

SIR,

The Treasurer in obedience to the directions of the act entitled an act concerning the Auditor of public accounts and Treasurer of state, respectfully submits the following report of the public revenue and expenditure, from November 30th, 1822, to November 29th, 1823.

Balance in the Treasury at the last annual report	$983.60
Amount paid since that time for revenue assessed for the year 1820	238.00
For 1821	133.78
For 1822	23,230.53
For 1823	3,492.04
By the Sheriff of Franklin county for unlisted lands, &c.	32.00
By the Agent at Indianapolis	723.29
By the Commissioners of the Seminary township in Gibson county	421.96
By the Superintendant of Rock Lick Section	58.00
	$29,313.20

1. Samuel Merrill was a Puritan from Peacham, Vt., born Oct. 29, 1792. He was a graduate of Dartmouth. After teaching two or three years he came to Vevay, Ind. He opened a law office but gave most of his attention to politics, holding minor and appointive offices most of his life. He died at Indianapolis, August 24, 1855. See article by Catherine Merrill in *Indiana Magazine of History XII, 53.*

From the 30th November 1822, to the 29th November 1823, the following sums have been paid at the Treasury.

For the expense of public printing.....	$1,121.00
For stationery	166.71
For Territorial warrants	55.41
Premiums for wolf scalps	16.00
For contingent expenses	481.43
To the committee on education	70.00
To the Adjutant General	100.00
To the Attorney General	200.00
To the State Bank	238.00
To the officers of the Judiciary	6,631.87
To the officers of the Executive Department....	2,017.65
For claims on account of the seat of Government	2,860.90
For claims on account of State Prison.....	4,693.53
For expenses of the last General Assembly, including special appropriations.....	7,872.72
To amount not paid over by the late Treasurer..	983.60
To interest on Treasury notes paid in.....	70.40
Amount in the Treasury.....	1,733.98
	$29,313.20

The following extracts from the books of the Treasury Department, exhibit the present financial situation of the state.

Receipts into the Treasury except from loans and Treasury notes, first year state government	$4,251.08
2d year	14,718.68¼
3d year	7,399.51
4th year	15,862.23
5th year	12,195.14½
6th year	31,085.29
7th year	28,329.60
	$113,841.53¾

Expenditures 1st year	$20,055.33¼
2d year	19,463.25
3d year	11,792.90½
4th year	19,773.05
5th year	19,715.32

6th year	20,614.15	
7th year	26,595.62	
		$138,009.62¾
Balance against the state	$24,168.09	
Amount not paid over by the late Treasurer, included in the foregoing receipts	983.60	
Warrants in circulation which the funds in the Treasury will not redeem	1,955.50	
Interest due on loan	824.91	
The interest due on Treasury notes and the claims not yet presented to the Auditor, cannot be estimated with certainty, but may amount to	2,000.00	

No means of liquidating these sums immediately are possessed by the state, but if the present rates of taxation are continued, the time cannot be far distant when it will be relieved from embarrassment. Till this takes place, the evils under which we labour will be sensibly alleviated by pursuing a liberal course towards the creditors of the state. Some of them at present are not entitled to interest on the amount due, and the nature of the interest allowed on Treasury notes is such as to induce the holders of them to hasten their return to the Treasury as soon as possible. It is respectfully suggested to the Legislature, that when there are not funds for the payment of claims, it shall be at the option of the claimant to subscribe stock to the amount of his claim, bearing an annual interest and redeemable at such periods as shall be thought proper. The amount of this stock by actual loans, by placing in it the seminary funds, the money in the hands of guardians, executors, &c. might be increased as far as the exigencies of the state should require.

I have the honour to be, &.

SAM'L MERRILL, *Treasurer*

TREASURY DEPARTMENT, Dec. 6th, 1823

House Journal, 1823, p. 54

SIR,

In addition to the communication made on the 4th instant, I deem it my duty to make known to the House, some circumstances which could not properly be detailed in the annual report. The late treasurer, at the time of delivering the books to me, claimed the right to pay over on the state debt, a quantity of state bank paper in his hands, and as a committee of

the House last year had seemed to recognize the above claim, he did not at that time settle in full for the sum that appeared by the books to be due from him. But no provision on this subject being made by the last legislature, a demand was afterwards made on him for $983.60, the balance in his hands. This he was willing to pay in state bank paper, but not considering myself authorized to take it, suit was commenced against him on his bond, by the attorney general. This suit is still depending. Some errors have crept into the books of the department, by reason of which the real situation of the financial concerns of the state does not appear. It would be desirable that the committee of ways and means should be directed to examine the subject and authorize the correction of erroneous entries. Justice to the late treasurer, requires that I should add, that he does not appear to be a gainer by the mistakes alluded to.

I have the honour to be, &c.

SAMUEL MERRILL

THE SPEAKER, &c.

The condition of the state's finances can be best appreciated from the following quotation from the *House Journal, 1823, p. 153.*

Mr. Hillis from the select committee to whom was referred the resolution of the 17th ultimo [December], to inquire into the expediency of reducing the salaries of the judges of the supreme and circuit courts; the pay of the members of the Legislature, and all other officers of state reported: That the said committee have had the same under consideration, and beg leave to submit the following preamble and resolution, to wit:

That the pressure of the time, and the exigencies of government, imperiously demand a sacrifice of individual interests to the public good. No government can exist, or if it does exist, no government can be prosperous when the few are supported by the hard earnings of the many: Such policy is not only hostile to the spirit of our government, but it is calculated to prevent the replenishment of our empty Treasury.

Your committee do not believe the salaries of the officers of this state would be considered too high if the treasury was full, the state out of debt, and the circulating medium more abundant among the people; but as the reverse is the fact,

they are constrained to adopt the opinion, that the pay to some of the public servants might be reduced without injury to the public weal. The arguments sometimes used by those who are hostile to the reduction of salaries, the officers are paid in depreciated currency and therefore ought not to be reduced, does not deserve the consideration of this House. Your committee believe it to be the duty of the General Assembly to provide a secure currency, so that the officers may be paid their amount for which the public faith and public honor stands pledged. If this should be done, (as your committee believe it ought) the officers of government might then receive, if the salaries should be reduced by law, in truth and in fact as much as they now receive. Your committee believe that the exhausted state of the treasury, the enormity of the public debt about to be encreased by a loan of $19,000, the pressure of taxation on the people of this state, and the certainty that they may live comfortably with smaller sums than are now paid them, do recommend the adoption of the following resolution to wit:

Resolved, That this committee be directed to report a bill to this House, providing for the reduction of the salaries of the officers of this government, where salaries can be constitutionally reduced, and for reducing the pay of the members of the General Assembly to $1.50 cents per day.

Mr. Murdock moved to amend said report by striking out the preamble thereto, which motion was carried in the affirmative.

Mr. Stevens then moved further to amend the same by striking out from the resolution, all of it, except what provides for reducing the pay of members of the General Assembly, and also to amend it so as to reduce their compensation to $1 per day, which motion was also carried in the affirmative.

The following communication was received from SAMUEL MERRILL, Esq., *Treasurer of State*, in pursuance of a resolution of this House on Saturday last; which was read, and together with the bill authorizing the re-issue of treasury notes, referred to committee of ways and means.

House Journal, 1823, p. 285

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

The Treasurer, in obedience to a resolution of the House of Representatives of the 24th inst. [January, 1823] requesting him to inform the House what progress has been made in

obtaining a loan, and whether there is a prospect of obtaining more, previous to the adjournment of the General Assembly, begs leave to Report:

That a loan of five thousand dollars has been made to the state, by Frederick Rapp, payable in two, three, and four years, of which loan $3,805 were in specie, and the balance in treasury notes, and a warrant of Judge [J. R. E.] Goodlette; and that the amount of specie belonging to the seminary fund is $350.

Communications have been made from this department to a number of persons from whom it was supposed loans might be procured. The only answer yet received, is from the cashier of the Madison bank, of which the following is an extract:

"I am instructed to answer, that the Bank will loan the state, for the term of one year, three thousand dollars, on condition that the legislature repeal, at the present session, the law taxing the bank. The reason why they make that a condition is, that the present tax is so extremely burthensome, at a time when every man must know that nothing can be made. If this should be done, it is proper to inform you that the sum of $1,209.34 will be paid in treasury notes," &c.

It is not expected that any further loans will be made, previous to the adjournment of the legislature; but the cash on hand will, it is presumed, pay the necessary expenses of the members at this place, and for the paper for the public printing, and that from further loans or revenue, sufficient funds can be obtained for the other expenditures of the government. The executive department, at least, will be satisfied with this arrangement, and though no further loans be procured, yet, if the act continue in force, it will have a sensible effect on the value of the demands against the state, for it guarantees to those who choose it, a remuneration for present delay, and a certainty of future payment.

The treasury notes at present in circulation, amount to $8,525, a sum which it is believed need not be increased. The difficulties that must arise in this department, when it is left to the discretion of the Treasurer to pay out funds different in value, must be his excuse for expressing a fervent wish, that recourse may not be again had to treasury notes.

The sums that will become due, immediately on the adjournment of the legislature, will be a little upwards of $12,000,

of which one third can be paid in specie; more than another third will be paid in for revenue, and the balance, about $4,000 will be all that will be necessary to be outstanding, and one half of this may be calculated to come in within the year, for the revenue of 1823. If interest should be allowed on warrants which might be paid in for the revenue of 1824, it would operate in the nature of a loan, prevent depreciation, and the interest would not be considerable. Probably two hundred and fifty dollars would be all that would accrue on such warrants, and all that may be subsequently issued and paid in the same way.

I have the honour to be, &c.

S. MERRILL

D. H. MAXWELL, Esq. *Speaker &c.*

TREASURY DEPARTMENT, CORYDON, July 3, 1824

Corydon Gazette, July 7, 1824

JOHN W. PAYNE, Esq.

SIR:

Believing that information contained in public offices should at all times be accessible to the public, I cannot hesitate to answer such queries as relate to facts coming within my official knowledge, more particularly as the truth of any statement I shall make, can be ascertained by those who choose to examine for themselves. As it respects those queries concerning the commencement of the suit against Mr. [Daniel C.] Lane [late treasurer], the nature of his plea and the continuance of that suit at last court by his affidavit, your own knowledge from the concern you have in that suit will enable you to make the proper statements or if a certificate is necessary, it would come more properly from the Clerk of the Court. A brief statement of facts and conclusions will perhaps be the most satisfactory method of answering your other queries.

The receipt given by me to Mr. Lane, which is copied in his plea on file in court, shews that he only accounted for the monies he received after his annual report of November 30, 1822. The cash then on hand, viz: $983.60 together with $51 the amount of three mistakes discovered last winter in his proceedings, making in all $1034.60 is still due from him.

Whether any and what part of this sum may have been paid to him in depreciated bank paper may be judged by the fol-

of our paper system, and we hope it is gone for ever: The Vincennes bank paper was adhered to till it depreciated to 25 cents to the dollar: and at different times Treasury notes have been as low as 56¼ to the dollar, and they would probably have been equally low again if our Legislature had been willing to rely on the paper maker for their money. The loan draws dormant capital into activity which extends amongst and benefits the people. But it is very doubtful whether more than one third of the treasury notes have ever been any thing but an article of merchandize. And the state has no more interest to pay on a silver dollar, than on a treasury note, though the latter has never been, in this vicinity, till within a few days, worth more than 75 cts. to the dollar.

The expense of engraving, issuing and reissuing treasury notes, has already cost the state $700. The interest on them is about $1000—and more than twice that sum has been lost in paying for public printing, stationary and other expenditures apart from fixed salaries. Add to this the danger from counterfeiting and the losses that all the officers of the government must sustain and no reasonable man will ask their being used a moment after they can be dispensed with.

Some of those who complain of the loan, are persons who have been making money by shaving. They may be displeased at losing one of their sources of profit; but if the interest of the state was their aim, they would not forget that this very year, in the article of printing, there will be a saving of nearly one thousand dollars, by paying for it in good funds. This sum would pay for the interest of three times the sum loaned, and must be a sufficient reason for making it, even if it was not required by state pride and honor, to provide that the paper of the state should not be speculated upon.

By the law now before the senate, more energy will be given to collectors. The fact lately reported by the committee of Ways and Means, that near $27,000 which ought to be in the treasury remains in the hands of collectors, speaks loudly the necessity of a change. This sum, with the set off of $5000 against the transferred bonds, will so nearly extinguish the state debt, that there will be no necessity for increasing the loan to any considerable amount.

Editorial, Corydon Gazette, April 7, 1824

The more we examine the report of the Committee, the more we are pleased with it. The exposition of the facts of several counties making no returns of Duplicates and some of them not paying any for the support of Government for some of the years, is an evidence of the imperfection of the operation of the former system. Why was not such things communicated to the Legislature and to the public long before now? As long ago as 1817 Washington county returned no Duplicate and never paid any thing for that year. Since that Randolph, Martin, Bartholomew, Sullivan, Dubois and Madison have failed to make returns, although they may have paid part, and Jefferson made no return of bank stock for the year 1822, nor has she paid any tax for stock for that year; and yet no notice given of these failures, nor any example made of the officers who failed to do their duty. It must have been great neglect somewhere, that such things were not made known, and a proper remedy applied. No wonder the receipts fell so far short of the estimates, while such defalcations were suffered. We hope the new revenue law will remedy the evil in future; but it would require a legislative act to equalize the tax, by compelling the counties heretofore failing to pay up their quota.

Caucus Nominations

House Journal, 1823, p. 186

Mr. Blake presented the following preamble and resolutions, which were read and ordered to lie on the table, viz:

Whereas the encouragement given to caucus nominations for the offices of President and Vice President of the United States, excited in us the liveliest apprehensions for the safety of the Union, because we believe it to be a practice trammelling the people in the exercise of their dearest franchise—at war with their feelings and the principles of their political institutions—nourishing the growth of party intrigue, which carries in its train every species of dangerous and degrading corruption, and a practice which if not checked in its progress will ultimately undermine the sacred rights, the prosperity and happiness of the American people. Therefore, in obedi-

ence to our duty to the state we represent, and to our fellow citizens of the Union.[1]

Resolved by the House of Representatives of the General Assembly of the state of Indiana, That it is the right of the people reserved by them in the constitution, to elect the President and Vice President of the United States, and that any attempt by congressional nominations in caucus or otherwise, to exercise this invaluable privilege, unless authorized by the constitution, should be regarded by the American people as a dangerous encroachment on their rights, tending to the ruin of the republic.

Resolved further, That his excellency the Governor be requested to transmit to our Senators and Representatives in Congress, this plain and matured opinion expressed by the House of Representatives of the people of this state.

Senate Journal, 1823, 57-59

Mr. Thompson, offered for the consideration of the Senate, the following resolution:

Whereas, for some years past, we have witnessed with sensations of regret a growing disposition in legislative bodies to encourage and make caucus nominations for the offices of President and Vice President of the United States, thereby, as we conceive indirectly assuming the right to elect the Chief Magistrate of the Union, or at least to give a tone to public opinion on that important subject; a practice opposed to the genius and purest principles of our republican institutions, and directly contrary to the spirit and meaning of the constitution of the United States. Viewing the ultimate effects which Congressional caucusing may produce on the liberties of the American people, as fraught with the most dangerous and deleterious consequences, and which, if not checked in its progress may imperceptibly become a vehicle through which a spirit of political intrigue and management may be effected; tending in its consequences to the subversion of a free and independent exercise of the elective franchise, on the preservation of which in its purity, our happiness and prosperity as a free and independent nation mainly depend; we deem it a

1. The opposition to the congressional caucus was almost universal in Indiana. Both Whigs and Democrats tried to outdo each other in its denunciation. The objection here stated is not based on approval of the caucus but on the policy of instruction which Whigs as a rule opposed. It is significant that the division in the senate indicates exactly the later division into Whig and Democratic parties.

duty we owe to the citizens of Indiana, as well as the union at large, to express our disapprobation of a custom, drawing in its train the long catalogue of evils that have united to destroy the ancient Republics.

Resolved, therefore, by the Senate of the State of Indiana, That it is the legitimate and exclusive right of the people of the United States to elect a President and Vice President without the aid or influence of caucus nominations, and that any attempt to assume or exercise this invaluable privilege, either by Congress or State Legislatures, is travelling beyond the sphere of Legislative authority, and ought to be regarded by a free and enlightened people as anti-republican, and as having a certain and natural tendency to exterminate in the people that attribute of sovereignty which is essential to the existence of all free governments.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all the means in their power, during the present session of Congress, to prevent the formation of a Congressional caucus, for the purpose of nominating persons for the office of President and Vice-President of the United States at the ensuing election.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress, and that the House of Representatives be informed thereof, and similar resolutions on their part requested.

Which was read, and on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

Those who voted in the affirmative were,

Messrs. Craig, Graham, Grass, Milroy, Montgomery, Sholtz, Stapp and Thompson—8.

Those who voted in the negative were,

Messrs. Gray, Gregory, Harrison, Jenckes, Johnson, Ridan, Ray and Slaughter—8.

The Senate being equally divided, the President voted in the affirmative.

So the said resolution was adopted.

Ordered, That Mr. Thompson inform the House of Representatives thereof, and request a similar resolution on their part.

Whereupon,

Messrs. Raridon and Gregory entered their protest against the adoption of the foregoing resolutions, in the words following, viz:

The undersigned hereby solemnly protest against the adoption of the above resolution, for the following reasons, to wit:

1st. Because it is an unreasonable, unprecedented and futile attempt to controul the private and unofficial conduct of our Senators and Representatives in Congress; which could, with as much propriety be extended to a subversion of any of their domestic transactions. Conceiving that as to their attendance at a canal meeting, or festival of the abolition society, the theatre, or a caucus, their individual feelings and wishes are alone to be consulted; and that their responsibility as private citizens is alone at stake.

2ndly. The undersigned so heartily concur with the settled determination of their fellow-citizens generally, to recognize no official assumption of President making power, by this or any other honorable body, that they conceive it would seem in us an overweening care of our constituents, to sound the Tocson of alarm, in the awful terms of this resolution, which will be by them noticed with as much contempt and ridicule, as a stretch of the power delegated to us, as would our ultimatum on the subject, provided we should convene in caucus and make a President.

JAMES RARIDON,
JAMES GREGORY

Messrs. Ray and Johnson, entered the following protest, to wit.

Be it remembered, That we, whose names are hereunder written and hereunto subscribed, in the names of ourselves and our constituents, do hereby most solemnly protest, against the passage of a resolution of the Senate, on the subject of caucusing, for the following, amongst divers other good reasons, to wit.

1st. Because those patriotic worthies, whose masterly policy pre-eminently distinguished them for wisdom, that formed the constitution of the United States, have defined the duties of our Representatives in Congress, in relation to the election of President and Vice President of the United States, if the same should devolve upon them; (from which we know they

cannot depart,) and therefore do humbly conceive any instruction by us to Congress on that subject as idle, ineffectual and dictatorial.

2nd. Because the matter contained in the preamble and resolutions, is not a legitimate subject of legislation; but the same belongs to the people at large to canvass, settle and correct.

3d. Because we are not authorized by our constituents to waste our time and their money, here, in attempting to revolutionize a system of national policy, which cannot be successfully assailed by the feeble voice of Indiana.

4th. Because the example is dangerous, as tending to induce legislators to abandon their constitutional duty to make laws for the people of the state, and to encourage them, in the form of legislation to attempt to settle unimportant questions of general policy which properly belong to the general government, at the expense of a people already embarrassed.

5th. Because resolutions of this nature tend more frequently to subserve private views, than to advance the public weal.

6th. As men we duly appreciate the preamble to the resolutions, and deprecate the practice of caucusing, and deem it an unwarrantable attack upon the suffrages of the American citizen, yet we have no powers delegated to us to act solemnly as legislators, on such subjects.

7th. Some of our objections would have been silenced to the resolutions, if they had contemplated nothing more than an expression of our feeling on the propriety of a congressional caucus, (which we unhesitatingly disapprove;) but such is not the language of that document—it emphatically neutralizes the exertions of our members in Congress in favor of any one man, should other states meet in caucus. They could not sanction by their presence what they are required to suppress. Therefore, sincerely as we may condemn and hate the practice, if there should be a caucus, which may result to the injury of the west, let Indiana have her weight there.

8th. Because it is important that our representatives in Congress should be left free to act in the best possible manner for the interests of the state.

JAMES B. RAY
LEWIS JOHNSON

S-J-1823-65-66

SPECIAL MESSAGE: RELATIONS BETWEEN STATE AND STATE BANK

January 9, 1824

Corydon Gazette, January 28, 1824

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

By "An act relative to the three per cent. fund," I was authorized to draw on the president and directors of the Vincennes bank, and the Corydon branch, for $5,000 of the three per cent. fund deposited in those institutions by Governor Jennings; and to dispose of the same as might be deemed most advantageous to the state, either by vesting it in real estate or exchanging it for available funds. The statute also requires me to make report of my proceedings to the present General Assembly.

In relation to this sum, it is proper to remark that the whole amount was not, at the time of passing the act referred to, on deposit in the Vincennes bank and the Corydon branch. For $1200 of that sum a draft had been procured on the Bank of Columbia, and was, on the order of Governor Jennings, drawn by myself in Vincennes paper, the funds in which that sum was payable. This paper was placed to the order of Governor Jennings in the Bank at Madison; to whom, in May 1822, a certificate of special deposit issued. This sum is in the paper of the Brookville branch, and is yet in the bank at Madison.

In duly considering this act, it was believed that the interests of the state required that these deposits should not be sacrificed in the exchange, and that the state had a legal right to claim a set-off of that amount on the bonds transferred by that institution to the treasurer of the United States. A communication was accordingly made, and repeated, to the secretary of the treasury, with a view of obtaining his assent and arrangement to that effect. To these communications no reply has been received.

The opinion of the attorney general was taken with the intention of directing an entry to be made on the books of the auditor of public accounts, of a set-off against the bonds of the state in the hands of the treasurer of the United States, in the sum of $5,000; in such way as to stop interest on so much

of the bonds from the time the bank became notoriously insolvent, and such entry would have been made before this report but for a difficulty suggested in the opinion relative to the $1200 before alluded to.

For this sum a draft was procured by Governor Jennings from the Vincennes bank on the bank of Columbia, with a view of obtaining good funds. These could not be obtained, and the draft was accepted on the 24th October, 1821, to be paid in notes of the Bank of Vincennes.

The receipt and acceptance of this draft was, in the opinion of the attorney general, a discharge of that amount, and the payment in paper of the Vincennes bank, after the transfer of the bonds, created a new debt against the bank, but did not secure to the state a right of set-off against the bonds previously transferred. But equity would certainly say that the bank ought not to profit by any measure the necessity of which she had by her own insolvency imposed, nor should the state be injured by the effort of her agent to protect her against difficulty and loss. The broader principles, too, of liberality and justice, which ought to regulate all intercourse between the general government and that of the states, would seem to determine in favor of the right of the state to a set-off of this amount as well as the residue of the $5,000.

Permit me, then, to recommend that the auditor of public accounts, be directed to make an entry on his books of $3,800, by way of set-off against so much of the transferred bonds, estopping interest from the date of the insolvency of the bank, or the date of the demand on behalf of the state, and to suggest that, if this course be adopted, the treasurer of state be authorized to deliver over the evidences of the deposits to the treasurer of the United States, when thereunto required. Allow me, also, to refer the $1200 aforesaid to the better judgment of the legislature, and further to suggest that, if this item obtain the same direction, that the treasurer of state be authorized to pay over in like manner that amount to the Treasurer of the United States.

This disposition seems to be the only one practicable, keeping in view the interests of the state; and being founded in the strongest equity, will no doubt be readily acquiesced in at the treasury of the United States.

Very respectfully submitted,

WILLIAM HENDRICKS

Navigation of the Wabash River

January 10, 1824

House Journal, 1823, 198-202

The committee to whom was referred the documents [see annual message] transmitted to the legislature by his Excellency Governor Hendricks, relating to the improvement of the navigation of the river Wabash, REPORT—

That the examination of the papers referred and the consideration given to them, have afforded the fullest satisfaction on the subject of improving and facilitating the navigation of that river. The practicability of this object so much cherished by the people of this state is no longer to be doubted, and it is as little to be believed that the means to accomplish it are beyond the resources of those concerned. For the information presented to your committee, much credit is certainly due to the industry and discernment of the commissioner [William Polke] on the part of this state and his colleague on the part of the state of Illinois, who were appointed to investigate this important concern. It will be received thankfully by every one who is animated by a zeal to advance the great interests of the state, and whose mind is not biased by local prejudices or predilections. And it will be received with peculiar pleasure by those friends of internal improvement who have particularly fostered the measure, and whose feelings will triumph over the conjectures which may have given rise to serious apprehensions. In the progress to consummate this desirable end, at least so far to improve the river as to make it navigable at ordinary stages of water, coextensive with the present improvement of the soil, no barrier presents itself which is not easily surmounted. No appeal need be made to the patriotism of the people for contributions, no extraordinary measures need be resorted to either directly or indirectly imposing upon them a tax, for in the opinion of your committee, it is only necessary to appropriate a portion of the three per cent. fund, insignificant in amount when compared with the importance of the object, and as much if not more due to this than to any other work of internal improvement which could be undertaken. It is not expected nor desired at this time that the legislature should make any additional draft on that fund, but divert a

part of the sum already called for, from the channel of expenditure originally intended, which will fully answer the object now contemplated. When the general cultivation of the soil bordering on the river shall extend to Tippecanoe or approach the St. Josephs, then extraordinary expenditures will be necessary, and will doubtless be resorted to; but by that time the physical strength and wealth of the country will have so much multiplied, that such burthens to them will be less onerous than present exigencies are to us, and will not be considered oppressively heavy.

These extended improvements, however, might be expedited, and the state rapidly advanced to what it would otherwise require many years to attain to, if Congress at their present session would manifest a disposition to direct the spirit of enterprize to the north-eastern and north-western extremities of the state, and cheer and support it with that degree of encouragement which the mutual and equal interest of the national government and of this state requires. Your committee have recently seen a printed bill on this subject, which is now before Congress; and it is with much regret they are constrained to remark, that the measures embraced in it are far short of the expectation of the people. This bill purports to give to the state, the profitless use of small quantities of land; but not the right to dispose of it. It is more indicative of a sparing, contracted spirit wanting confidence, than a specimen of those expanded, liberal views which spring from the impulse of national feeling. These lands were given away by Virginia, when in a full flow of generous feeling, for the establishment of the Union on a permanent basis; and her object was to preclude local jealousies and increase the checks and balances of government, and not, as it seems to be the opinion of some, to afford the means of arbitrary speculation. There are yet among us some of those who lived in this country at that time, and before it was donated, and they attest the early fidelity of it to the cause of freedom and the government of the United States, and from that time down to the present, no comment is necessary. But your committee might ask, what portion of the American people have been more ardent in patriotism, patient under privation, and brave in battle? What people in proportion to their number, have experienced greater sufferings and sacrifices? When the blessings of

peace were with their fellow citizens elsewhere, they were struggling amidst the horrors of savage war, visited upon their humble habitations. They secured for the country the actual sovereignty of the soil. And in the last war, the blood of the north-western soldier flowed freely upon the altar, and no duty of the patriot was considered too great a sacrifice. Why then this reluctance to part with a small portion of this soil to this people, when it is only wanted to promote the interest of the national government as well as their own? The time, it is to be hoped, is not far distant, when this parsimony on the subject of public lands will disappear, and the national Congress will be governed by views in relation to them corresponding with our wishes and what we conceive to be an enlightened policy.

Your committee will now invite the attention of the House to certain important particulars supported by the communication of the commissioners, and which are facts within the personal knowledge of some of the members of the committee. When the water is at its lowest stage, from the mouth of the Wabash to Tippecanoe, a distance of three hundred and fifty miles, there are no serious obstructions in the river requiring legislative notice, except at Coffee Island ripple, White River ripple, the Grand Rapids, Hanging Rock ripple, Ramsay's ripple and Little Rock ripple and from the lowest to the highest of these obstructions does not exceed fifteen miles. They commence at Coffee Island ripple, six miles below the mouth of White river and terminate at Little Rock ripple, about nine miles above the mouth of that river. At Coffee Island ripple is the least obstruction, which can be removed at the trifling expense of two or three hundred dollars, and at Ramsay's ripple is represented the most formidable barrier. The intermediate ripples between these two points are not very dissimilar as to the magnitude of their obstruction. To avoid these difficulties in navigation, and secure a water carriage to the Ohio at all seasons of the year, a canal might be cut, commencing at Little Rock ripple on the Indiana side of the river, and running in a direct line to a point just above the mouth of White River, a distance of six miles and a half. Or there might be a canal answering the same purpose, commencing at the same ripple on the Illinois side of the river, and terminating immediately below White River ripple a dis-

tance of nearly nine miles. The cost of the canal on the Indiana side of the river is estimated at sixty thousand dollars—on the opposite side, at eighty thousand. Besides these canals, either of which would fully accomplish the object, there might be two small canals opened, conjointly producing the same effects, one beginning at the Little Rock ripple, on the Indiana side, and running to Ramsay's ripple, a distance of three miles; the other beginning at the mouth of Prairie creek, on the Illinois side, and running to White River ripple, the distance of two miles and three quarters.

Although it is urged in favour of those plans of canaling that, among others, great advantages would arise to the states of Indiana and Illinois by erecting water works on them, your committee, after mature reflection, must signify their unwillingness to recommend either of them. Owing to the scarcity of labor in the country subject to hire, the process would be tardy, and the expense greater than what is absolutely necessary for the object, and more than the present prospect of our resources promises with certainty. Moreover, the commissioners state that they particularly examined the bed of the river at the various obstructions, at a time when the river was within from four to six inches of being at the lowest stage known to the inhabitants on its banks—and that they believe the plan of excavation is practicable so as to be productive of the desired usefulness. Sluices have also been mentioned as efficient contrivances, but the expense of making them, and the annually accruing expense occasioned by ice, drift, and so forth are considerations which at once discard that idea. Your committee are of opinion that of all the plans suggested, that of excavating a channel is by far preferable, and they adhere to this opinion with much confidence, it being supported by reasons which do not exist in the other cases. If this plan should be adopted, it could be promptly put into execution, the beneficial effects of our legislation would soon be felt by our fellow citizens; and, what also strongly recommends it to favourable consideration, this mode of meliorating the navigation would be equally efficient as any of the others, and the expense would be diminished nearly one-half. It is an objection to this plan that, after the channels have been opened, a few freshets would fill them up, and the obstructions be again as great as they ever had been. But this is a mere

surmise unsupported by argument or experience, and may be classed among those visionary objections which find their account in the prejudiced minds of those who are hostile to the enterprise, or criminally careless on the subject. It is repeated that this plan, if carried into operation, would fully produce the important results desired by the legislature and people, and that in a short time boats of every description which navigate the western waters would be seen floating upon the Wabash unmolested by those obstacles which now deter them from it.

The question finally presents itself, from what source are we to derive the funds necessary to the completion of this work? Your committee recommend the expediency, and urge it with the most anxious feelings, to divert and apply the amount of the three per cent. fund appropriated on certain state roads in the western part of the state, that may in justice be due to the counties bordering on the river. This measure may at first alarm those counties through which these roads run, and which it is presumed are deeply interested in having them completed according to the original intention of the legislature. But when they reflect that Providence has marked the course of this noble stream through the most fertile portions of the state; that the improvement of its navigation would enable the farmer at all seasons to transport his surplus produce to market, and speedily to return with the reward of his honest industry; that it would attract population, greatly enhance the value of the lands, magnify the political importance of the country—the consideration of these and other consequences producing incalculable advantages will silence every murmur and convert hostility to friendship. Your committee believe that such would be the effects. They have every confidence in the discernment and patriotism of the people, and believe that, although the designing and malevolent might for a time impose upon that honest native credulity which is peculiar to a country life, that a little dispassionate enquiry would soon remedy the evil.

THOMAS H. BLAKE, *Chairman*

SPECIAL MESSAGE: REFUSING COMPENSATION FOR HIS SERVICES IN COMPILING THE STATUTES OF THE STATE

CORYDON, 25th January, 1824

House Journal, 1823, p. 289

GENTLEMEN OF THE COMMITTEE OF WAYS AND MEANS, HOUSE OF REPRESENTATIVES:

Understanding that you are shortly to meet to prepare bills of appropriation for the present session, and that there is a disposition to insert an item in my favor as revisor of the laws, permit me to say to you that for that service I neither expect nor wish any compensation. It is one which I had in contemplation at an early period of my services in the present office, and one which I should have performed had no revision act passed at the last session.

Should my labors in the compilation of the laws meet with a favorable reception by the people of the state, in that consideration I shall have ample reward. If otherwise, I shall have the consolation to know that my services have not been burthensome to the state.

The appropriation of $200 in advance, heretofore made in favor of the revisor, has not been drawn.

I am, with the greatest respect,

Your obedient servant,

WILLIAM HENDRICKS.

EXTRACTS FROM REPORT OF COMMITTEE OF WAYS AND MEANS

January 27, 1824

House Journal, 1823, 288-289

Your committee beg leave to remark that from a thorough conviction on the minds of your committee, that the revision and compilation of the laws by his Excellency the Governor has been executed with much labour, and in a manner fully to meet the expectations of the members of the present General Assembly, and of the state generally, and that the state has received much benefit thereby; and believing that the feelings and opinions of this House are in unison with the feelings and opinions of your committee on that subject, your committee were disposed to make his Excellency a liberal compensa-

tion therefor; but from the wish expressed by his Excellency to the contrary, to your committee at various times, and particularly by his Excellency's letter to your committee, herewith transmitted, and which your committee request may be spread on the *Journals* of this House; your committee have declined making any appropriation for that purpose.

Your committee have made an appropriation to the Hon. Isaac Blackford for his service as an assistant to your committee in forming the lengthy, and, as your committee hope, useful report which your committee have heretofore had the honour of submitting to this House; notwithstanding a manifestation of that gentleman's wish, expressed to your committee, to the contrary. Your committee feel themselves so much indebted, and believe the state to have been so much benefited, by that gentleman's services, they have made an appropriation which your committee fondly hope will be accepted of by that gentleman.

R. M. EVANS, *Chairman* [*Ways & Means Com.*]

PROCLAMATION: KEEPING STATE PRISON

April 28, 1824

Corydon Gazette, April 28, 1824

EXECUTIVE DEPARTMENT, CORYDON, April 28, 1824

Proposals will be received at this Department until the fifth day of July next for keeping the State Prison agreeably to the act of January 31, 1824. The principle of farming out the institution, will in all probability be preferred to that of employing a superintendent at a yearly salary, tho' it is desirable that propositions on both principles be made.[1]

WILLIAM HENDRICKS

PROCLAMATION: APPREHENSION OF A MURDERER

October 27, 1824

Western Sun, December 4, 1824

WHEREAS it has been represented to me, that on the 24th day of September last, near Springfield, in the county of Posey,

1. The law of January 31, 1824 gave the governor the power either to hire a superintendent or farm the prison out to the highest bidder.

and state of Indiana, a most atrocious murder was committed on the body of Moses C. Dolson, late of Livingston county, Kentucky, by a person calling himself Washington Wesener:

Therefore I, William Hendricks, Governor of the state of Indiana, do hereby declare and make known, that a reward of one hundred dollars will be given, to any person who shall arrest and deliver to the legal custody of the jailer of Posey county, the murderer of the said Dolson.

Wisener is by profession a schoolmaster, and has certificates of qualifications and good moral character. He is a young man 5 feet, 8 or 9 inches high, pale face, black hair, large black eyes and whiskers and rather stoop-shouldered; had on, when he left Vincennes in company with the deceased, and shortly before the fatal transaction, a blue broadcloth coat, yellow vest, black hat, and pantaloons. He is a native of Pennsylvania, but it is supposed he will make for the south.

Given under my hand at Corydon, the 27th day of October, 1824.

WILLIAM HENDRICKS

ANNUAL MESSAGE

January 11, 1825

House Journal, 1824, 11-20
Indiana Journal, January 11, 1825
Western Sun, January 29, 1825
Indiana Palladium, January 21, 1825

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:[1]

Having convened in legislative capacity for the furtherance of the great interests, which the constitution has entrusted to our care, it becomes my duty to "give the General Assembly

1. Following are the members of the Ninth General Assembly, 1825:

HOUSE

The committee of elections, to whom was referred the certificates of the returned members of this House, have had the same under their consideration, and find the following gentlemen duly elected, and entitled to their seates in this House, viz.:

COUNTY	NAME
Washington	Robert M'Intyre and Alexander Huston
Floyd	John K. Graham
Jennings	John Walker
Jefferson	Nathan B. Palmer and David Hillis
Union	Thomas Brown
Switzerland	Stephen C. Stevens and William Gard
Vanderburgh and part of Warrick	John M'Crary
Perry, Spencer, Dubois and so much of Warrick county as is included in Luce township	William M'Mahan

Clark	Reubin W. Nelson and William G. Armstrong
Franklin	Noah Noble and David Oliver
Pike	John Johnson
Gibson	David Robb
Posey	James H. Richardson
Crawford	Elisha Tadlock
Harrison	Thomas Posey and Benjamin Hurst
Jackson	Obediah M. Crane
Bartholomew	Benjamin Irwin
Marion, Johnson, Madison and Hamilton	John Conner
Scott	Jesse Jackson
Monroe	David H. Maxwell
Dearborn	Abel C. Pepper, Horace Bassett and Ezekiel Jackson.
Putnam, Montgomery and Hendricks	Amos Robertson
Henry, Rush, Decatur and Shelby	Thomas Hendricks
Owen, Greene and Morgan	Daniel Harris
Sullivan	Josiah Mann
Knox	Benjamin V. Beckes and Daniel Langton
Vigo, Parke and Vermillion	James Farrington
Daviess and Martin	William Wallace
Fayette	Newton Claypool
Orange	John G. Clendenin and Alexander Wallace
Lawrence	William Erwin
Wayne	Abel Lomax, Henry Hoover and Eleazer Hiatt
Randolph and Allen	Daniel Worth
Ripley	John Ritchey

The committee would observe, for the consideration of the House, that they have no return before them of the election of one of the members from the county of Jefferson; but, it is represented by a member of this committee, that he has a knowledge of the election of David Hillis, from said county, and has seen, in the clerk's office of said county, a certificate of the election of Mr. Hillis; which was read and unanimously concurred in.

SENATE

The committee of elections, to whom was referred the certificates of the returned members elect, to wit:

COUNTY	NAME
Harrison and Crawford	Dennis Pennington
Posey, Vanderburgh and part of Warrick	Thomas Givens
Perry, Spencer and Dubois	Daniel Grass
Jackson, Bartholomew and Scott	William Graham
Knox, Davies and Martin	John Ewing

have directed me to report, that they have had the same under consideration, and find the above named gentlemen duly elected Senators, and entitled to their seats in the Senate of Indiana, for the term of three years from and after the first Monday in August, 1824. Hold-over senators were:

Orange, Lawrence and Monroe	Samuel Chambers
Switzerland and Ripley	George Craig
Dearborn	John Gray
Hamilton, Marion, Madison, Henry, Shelby, Decatur, Rush and Johnson	James Gregory
Fayette and Union	Lewis Johnson
Washington	Samuel Milroy
Gibson and Pike	Isaac Montgomery
Wayne, Randolph and Allen	James Rariden
Jefferson and Jennings	Milton Stapp
Franklin	James B. Ray
Clark and Floyd	John H. Thompson

information of the affairs of state," and in aid of your deliberations, to exhibit to your view and recommend for your adoption such measures as those interests seem to require.[2] In examining our public concerns since the close of the last session, but little seems to have occurred save that which is in its character public and equally manifest to all. The current of population from the neighbouring states is daily giving us increase of numbers and improving the condition of agriculture, our great interest. The general prosperity of the state is advancing in a firm and steady pace, to numbers, to wealth, and to a grade of respectability among the states of the union; and what is most consoling, the health of the country, especially within the last year, is more improved than any other condition. The diseases incident to our climate and our soil have very much abated; in some districts have scarcely been known at all, and in others have prevailed with less severity than in former years. Considerations of this kind are well calculated to draw forth the warmest effusions of gratitude to the Author of our being, from whom we receive health, fruitfulness of seasons, and the inestimable privileges of a free government.

In contemplating, however, the general prosperity of our country, we cannot pass by without notice the scarcity of a circulating medium; the want of a market for our surplus produce, or what is generally termed the hardness of the times. But by way of remedy for these evils, it is obvious that the legislature have very little to do; for to congress alone is reserved the power "to regulate commerce with foreign nations and among the several states." It is evident that causes exist for the situation of the country in this point of view, which are not of a local nature or within the control of a nation or a state. It was not to be expected that the tide in our national prosperity produced by the general convulsions of Europe, which gave to our agriculture a market and to our commerce and shipping interests much of the carrying trade of the world, should forever continue to flow. It was reasonable to suppose that the recent peace of Europe which suddenly became almost as general as the war which had pre-

2. This Assembly met late, Jan. 10, 1825, in consequence of moving the capital to Indianapolis this year. There is a general confusion of dates as a result. Both the Ninth and Tenth Assemblies convened in 1825, hence *Journals*, *Laws* and *Documents* bear this date.

ceded it, would turn millions from the profession of arms to the pursuits of industry, and that the supplies of Europe furnished by themselves would lessen their demand and our market for the products of agriculture. To these causes, broad and extended as they certainly are, we may fairly attribute much of our own condition. It only remains for us to improve the means within our power, our roads and the great highways to the markets as they are. It is our business to increase facilities of intercourse with each other, and with the neighbouring states; to make our internal and municipal regulations as perfect as possible; to encourage industry; and above all to economise our expenditures and lessen as much as possible at all times, the public burdens upon the people. In this way the government as well as individuals will best conform to the existing condition of affairs.

The melancholy occurrence of the murder of some Indians on the frontier settlements of the state, [the Fall Creek murders] has been succeeded by the arrest and imprisonment, in the county of Madison, of several persons charged with such crime.[3] The want of public buildings in that county, created the necessity of a guard and other expenses for the safe keeping of the prisoners. These expenses have been accumulating from the month of March last, the date of the unfortunate transaction, to the present time. Considering the newness of this county, the sparseness of its population, and the deleterious effects of the case on its general prosperity, I have thought it my duty to recommend that the expenses incident thereto, and for which the county may be liable, be paid out of the state treasury.

The further details of this most unpleasant transaction require me to say that James Hudson, one of the persons charged with the murder of Logan, an Indian chief, was at the last October term of the Madison circuit court convicted and sentenced to be executed on the first day of December last; that, previous to the day appointed for his execution, he escaped from prison; and, that he might not escape the punishment of his crimes by becoming a fugitive from justice, the time of

3. In the early spring of 1824 a party of Seneca or Mingo Indians established a hunting camp on Fall Creek and had accumulated a considerable stock of furs. Five white men, Harper, Sawyer, Hudson and two men named Bridge came to the camp early on the morning of March 25, 1824, and killed all the Indians except one boy. After a long trial most of the murderers were hanged.

his execution was, on the suggestion of the presiding judge and the prosecuting attorney of that court, respited and postponed until the twelfth of the present month.

But three days being allowed by law for the session of the court, no other of the prisoners have been tried. They are yet in custody awaiting their trial, for which purpose more time will be necessary than that at present allowed by law. Nor can I pass by the present occasion without expressing to you my strong conviction of the necessity of authorizing special sessions for the delivery of the jails in vacation. Many if not all objections to special courts may be obviated by the details of legislation authorizing them. In all cases, and especially where the prisoner cannot procure bail, the genius and spirit of our institutions would say that his trial should not be so long delayed as it may be under the existing laws.

During the recess a vacancy took place in the presidency of the First judicial circuit. This was filled by an appointment which will expire at the end of the present session.[4]

Agreeably to the provisions of "An act for the better management of the State Prison and for other purposes," Ira Westover, Esq., was appointed superintendent of the prison for three years from the fourth day of August last, under certain conditions and stipulations specified in his bond, which is filed in the office of the secretary of state. Believing, from a report of the visitors appointed under the act, that a covering of the wall was necessary to preserve it from injury, Mr. Westover was encouraged to construct such covering and submit his claims for that service to the legislature. It has been done under the notice of one of the members of the House of Representatives, who will be able to give every needful information respecting it.

I have received a communication from the Governor of Georgia, accompanied by a resolution of the legislature of that state, proposing an amendment to the constitution of the United States, which would prohibit "the importation or introduction of any person of color into any one of the United States, contrary to the laws of such state," and have also received from the states of Ohio and Maine communications disapproving of the aforesaid resolution. These several communi-

4. The First included the west central part of the state. Jacob Call of Vincennes resigned July 28, 1824, and was succeeded by John R. Porter. Call was elected to congress to take the place of William Prince, deceased.

cations have been accompanied with requests that they be laid before the General Assembly of this state.[5]

I have also received from the Governor of Ohio sundry resolutions recommending to the legislatures of the several states and to the congress of the United States a system providing for the gradual emancipation of slaves, and recommending the passage of an act by the general government (with the consent of the slaveholding states) by which the children of such persons, born after the passage of such act, should on certain conditions be free at the age of twenty-one years. These resolutions have also been accompanied with a request that they be laid before you.[6]

Agreeably to the provisions of "An act for improving the navigation of the river Wabash", approved January 31, 1824, I have communicated to the Governor of Illinois a copy of the act and requested him to recommend to the legislature of that state the adoption of measures calculated to further the object.

By an act of congress of the 26th of May last, the right of pre-emption to one quarter section of land in each new county of the states and territories in which there are public lands, is on certain conditions granted to such counties for the establishment of seats of justice. That the benefit of this provision may be secured to the counties hereafter to be laid off in this state, an act of the legislature seems to be necessary.

By an act also of the last session of Congress, the state of Indiana is authorized to survey and mark through the public lands of the United States the route of a canal by which to connect the navigation of the Wabash and the Miami or Lake Erie, reserving forever and vesting in the state the use of ninety feet on each side thereof for the purposes aforesaid,

5. Indiana refused to concur in this recommendation and expressed its opinion in the joint resolution of Feb. 3, 1825.

6. The Ohio resolution with the concurrence of the Indiana Assembly is shown in the joint resolution of Feb. 7, 1825:

Whereas the General Assembly of Ohio did at their session in 1824 adopt the following resolution, and request the concurrence of the several states of the Union therein, to wit: *Resolved,* By the General Assembly of the state of Ohio that the consideration of a system providing for the gradual emancipation of people of color held in servitude in the United States, be recommended to the several states of the American Union, and to the congress of the United States.

Resolved, That in the opinion of this General Assembly, a system of foreign colonization with corresponding measures might be adopted that would, in due time, effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government. *Laws of Indiana, 1824, p. 105.*

and reserving also from sale during the pleasure of Congress the sections through which such canal route may pass. As the public lands in that quarter of the state are understood to be surveyed and liable to be brought into market whenever the pleasure of the President to that effect shall be made known, it is respectfully submitted that the location of the route during the next summer be authorized by law. In this way only can the advantages of the reservations be secured to the state; for it is reasonable to suppose that that district of country, important as it naturally is, and important as its improvement would be to the northern and western portions of the state, will speedily be brought into market. It is believed that this route must necessarily be located through some Indian reservations, made by the treaty of St. Mary's, and it is matter of doubt whether the right of soil thus vested in the grantees would authorize a compact with them on the part of the state for that purpose. Should it be thought necessary to apply to congress for power thus to stipulate with the grantees, there can be little doubt that such power would readily be given.[7]

It is the duty of the various governments of this confederacy to cultivate the most friendly understanding and intercourse with each other; the states with the general government and among themselves. This produces harmony in our system and directs the force of all to the good of all. It is impossible to estimate too highly the importance of the object alluded to [*i. e., the canal above mentioned*]. This effected, and the great northern avenue of commerce to the ocean and the lakes would be at once complete. An inland navigation from New York to New Orleans, as well as to the northern lakes, would at once be opened. This is an object in its character sufficiently national to demand the attention of the general government. When we consider, too, the vast quantities of public lands to be greatly enhanced in value by the accomplishment of this work of internal improvement, we cannot doubt that, in the exercise of a magnanimous and judicious policy, congress will, by donation to the state of the sections thus reserved, aid our infant resources in constructing the canal. This donation would, it is believed, almost complete the work;

7. This land grant by congress opened the general policy of internal improvements. For a discussion see Esarey, *Internal Improvements in Early Indiana,* also Hendricks' speech, April 20, 1826, above.

would be repaid to the general government in a tenfold proportion in the sale of the public lands, and would give impulse to the improvement and prosperity of the state heretofore unknown.

I have received and submit for your information the report of a joint committee and sundry resolutions of the legislature of the state of Ohio, on the subject of a canal at the falls of the Ohio river. This report and these resolutions are declaratory of the lively and deep interest which that state feels in the construction of such canal, and of their intention to unite in the execution of such work with one or the other of the states of Kentucky or Indiana.

A report of the commissioners appointed by the "Act providing for opening a canal at the falls of the Ohio" will shortly be laid before you. It is sanguinely hoped the state of Ohio will ultimately unite with Indiana in the undertaking, and interest herself to such extent as to bring the object certainly within the means of this state. In that event, the most cautious and fearful as to the magnitude of the undertaking would abandon their scruples, and estimate this work as connected not only with the best interests but with the revenue and reputation of the state.

An advance of a small portion of the three per cent. fund without interest would in that event enable the state to progress with the work. This would supersede the necessity of resorting to other means, and the canal once completed its revenues would repay to that fund the whole amount thus obtained, and not retard its application to roads and other proper objects. Congress would probably agree to this proposition on the basis of a fair reciprocity, the state stipulating that the public property of the United States should forever pass the canal toll-free.[8]

Of similar character to the canals just mentioned is the construction of the National road from Wheeling to the Mississippi, passing through the metropolis of our state. The location of this road is of the greatest importance to the northwestern states. This object is directly within the purview

8. By act of Jan. 31, 1824, Governor Hendricks and Christopher Harrison were appointed to take over the work of the old canal company and complete it out of the three per cent fund. It was found impossible to borrow money. Kentucky in 1825 chartered a company to build it on the Kentucky side and the United States subscribed $290,200 toward the work. It was completed in 1831 and passed to the United States in 1872.

of their compacts with the general government, at the times of their admission into the Union, and two per cent. of the sales of public lands within those states are set apart for such objects. Its location at this time through Indiana assumes much additional importance from the removal of the government to Indianapolis, its permanent seat, and from the character of the central parts of the state, requiring more attention to roads than those districts of country bordering on the Ohio river and first settled. This road, if once located, would, in addition to the funds in existence for its construction, attract the attention of the legislature and the counties through which it might pass, and would in a short time become not only useful but ornamental to the State.

Some of these subjects, it is true, are not fairly within the scope of our legislative capacity. On some of them it would perhaps be nugatory to legislate. But it is competent at all times (and in these cases it would no doubt be useful) for the legislature to express their opinions in relation to any great interest of the country though that interest be subjected exclusively to the control of the general government.

The financial operations of the last year, have been more successful than was anticipated by the most sanguine. Of the $19,000 supposed to be necessary to be procured by loan, only $5,971 have actually been procured, and if this sum $971 were Seminary funds unemployed in the Treasury. So greatly beneficial to the treasury has the change of system been, that the current expenditures have been more easily and more promptly met with this amount, than they were the previous year by a reissue of $15,000 of treasury notes; and with this additional advantage, that on the expeditures authorized by the last legislature, the state has paid interest on $5,971 only, while on that authorized by a previous session, interest has been paid on $15,000. In addition to this the public credit has been maintained, the currency restored to soundness, and much of the public expenditure economised in proportion as the currency has been rescued from depreciation.

The receipts into the treasury during the year 1824 have amounted to $40,435.94, by which the treasury notes have been redeemed in good faith and the audited warrants paid, and there is now in the treasury in available funds $12,508.

The state debt amounted, on the 1st January, 1824, to $27,044.19. On the 1st January, 1825, it amounted, exclusive of interest, to $17,499.17. This consists of $4,655 treasury notes yet in circulation, $5,971 loan, $5,000 which the state owes to roads and canals, and $1,873.17 on the bonds transferred to the treasurer of the United States. The state debt at this time, exclusive of interest, exceeds the actual cash in the treasury $4,991.17.

The revenue assessed for the last year, after deducting the per cent for collection, amounted to $39,294.86. Much of this sum has been paid in outstanding notes and audited warrants, but the residue thereof and balances of previous years, deducting also ten per cent for delinquent lists, are estimated as being sufficient to defray the current expenditures of the present year, to pay so much of the loan as becomes due, and discharge the balance due to the treasurer of the United States. The current expenditures of the present year will probably not exceed $21,000, and on all expenses, contingent in their nature, we may confidently expect a reduction; for no one can for a moment doubt that such expenses will be much less, when based on a metallic currency, than they have been on a depreciated paper system.

From this view of the finances we may fairly come to the conclusion, that the time has arrived when we may safely lessen the burdens imposed on the community for the support of the government. In doing this, however, we must be careful not to expose the treasury to future embarrassments, or the legislature to the necessity of creating loans or reissuing treasury notes. And while the public expenditure ought to be regulated by the strictest economy, our receipts should be greater than our expenditures, and our authorised revenues competent to meet every contingency intervening the assessments and the final collections. We should also consider the objects likely to increase our expenses in future years, and prepare the treasury to meet them. Among these may be numbered the increase of representation which the next ratio may produce, and the commencement and progress of the public buildings at this place.

To meet the expenditures occasioned by the increase of representation, the increase quantities of land which will then be subject to taxation will be more than sufficient, and the pro-

ceeds of the sale of public property at this place will probably pay the last appropriation for the court house, and meet the costs of the public buildings.

As the population of our country increases, so will increase our means and resources, which will hereafter be sufficient to pay off the small residue of the state debt, and in a very few more years authorize a further diminution of taxes.

Experience of the past year has shewn that some further improvement is practicable in our revenue system. The procuring of maps of the counties from the land offices, if made obligatory upon the courts doing county business, would, it is believed, greatly improve the revenue. This opinion is based upon the results already produced in the few counties where such maps have been procured. The per cent upon the collection, too, is believed not to be sufficient. In some counties no collector was obtained for the last year. The great object in the collections is promptness and certainty. This will repay in a large proportion a sufficient compensation to the collectors. Equal justice would also seem to require that collectors from distant counties should receive mileage to and from the treasury. This might be made an additional inducement to punctuality, by authorizing it in favor of those only who should make final settlements at the treasury on or before the day prescribed by law.

Agreeably to the provisions of the constitution it is necessary that an enumeration of the white male inhabitants above the age of twenty-one years should be made during the present year. For this it will be necessary that provision be made by law; and for this purpose little more will be necessary than to require that persons insane and paupers be also noticed on the listers' books.

The details of the militia law have been found insufficient, and in many cases there is no discretionary power vested to supply its defects. In contested elections no power exists to order a board of officers to meet a second time where they have failed to meet agreeably to orders. No power exists to order a second board to convene, nor is there any authority to order a new election in either of the above cases. A case has occurred in the first brigade in which all these difficulties have been met, and in which, agreeable to the opinion of the attorney general, a commission must issue on the return, pending the contest, unless the legislature provide a remedy.

In regiments formed of very detached settlements, convenience would no doubt be consulted by authorizing elections of field officers to be held in various battalions of such regiments, and by authorizing the battalions of such regiments to drill separately in the month of October as well as that of May.

In the cavalry it is believed that a better organization and a greater degree of military spirit would be introduced by the formation of squadrons in the various brigades or divisions under proper commands and suitable regulations as to the drill.

In noticing the prominent interests of the country submitted to the care of the legislature, I cannot pass by the improvements necessary for the residence of the government at this place. It is true that not much at this time seems to be within the power of the legislature on the subject. The ordinary revenues of the state have very properly been pledged for the payment of the current expenses of the government and of the state debt, and the proceeds of the sales of public property at this place have been looked to for the completion of the public buildings. The good management of this fund is in a special manner incumbent on the legislature. Public faith stands pledged to the purchasers of property in various parts of the town, that the public buildings contemplated on the Circle and the State House squares should be commenced as soon as practicable. In this policy will be consulted alike the interests of purchasers and of the state; for the commencement of the public buildings will afford strong inducements to the completion of payments, the prevention of forfeitures, and the increase of the means to finish the work. These buildings should for the present be commenced and completed as the funds alluded to will authorize.

Among the improvements before alluded to, there is none more deserving of attention than a state library. Many valuable books already belong to the state, and if some regulations for their use and preservation should be made, with only a moderate annual allowance for their increase, they would soon constitute a respectable collection.

It will afford me great pleasure to co-operate with you in every measure calculated to promote the public good.

WILLIAM HENDRICKS

TREASURER'S REPORT

TREASURY DEPARTMENT, January 13, 1825

House Journal, 1824, pp. 43-46

The treasurer, in obedience to the directions of the act, entitled "an act concerning the auditor of public accounts and treasurer of state," respectfully submits the following report of the public revenue and expenditure from November 29, 1823, to December 31, 1824:

Amount on hand at the last annual report	$1,733.93
Payments during the above period for assessments for the year 1817	112.00
For the year 1821	175.00
For the year 1822	1,158.56
For the year 1823	22,736.39
For the year 1824	26,586.30
Loans exclusive of seminary fund on hand last year	5,550.00
Receipts of superintendent of salt lick reserves	111.65
Penalties recovered of Messrs. Bradford & Moore, former collectors of Clark county	62.76
Collections of unlisted property and delinquents	153.48
Payment by John Carr, late agent for Indianapolis	85.50
By the present agent	4,974.25
	$63,439.87

During the same period the following sums have been paid at the treasury:

For public printing	$2,769.84
For contingent expenses	660.10
For expenses of the last General Assembly, and such special appropriations as come under no general head	12,000.08
For claims on account of the seat of Government	5,841.75
For interest on treasury notes	905.75
Interest to Rapp	291.00
For claims on account of state prison	3,614.76
For warrant No. 196 given to John Turner for wolf scalps	112.00
For expenses of presidential election	232.59

To the officers of the Judiciary.....	6,999.23
To the officers of the Executive department.....	3,050.00
To the Attorney General.....	250.00
To the Adjutant General.....	125.00
Amount in the Treasury.....	26,587.78
	$63,439.87

The warrants outstanding on the first day of January inst., were nineteen in number; on which the sum due on legislative claims, was $264.20; on judiciary, $595.48; on state prison, $103.00; to electors, $40.33; to circuit prosecutors, $214.50; amounting in all to $1,217.53.

The demands against the treasury, that will arise during the present year in addition to the above, are Treasury notes in circulation.....	$4,565.00
Supposed interest on same.....	300.00
Instalment of loan to Rapp, and interest.....	1,300.00
United States assignees of Vincennes bank.....	2,210.34
Current expenditures, same as lowest year for three years past	20,970.56
Total	$30,603.43

The cash on hand, deducting $15,436.00 Treasury notes, is $11,152.78. After deducting delinquencies returned, and commissions on the assessments of 1824, the amount unpaid on the 1st January instant, was about $9,000.00. Of this sum, at least $1,000 more in delinquencies will be returned. Of the balances due on the first of January 1824, $13,736.42 have since been paid. The remainder of those balances then thought to be secure, added to what may still be expected from the revenue of 1824, will make the credits of the State about $15,000. Should the collection of this sum progress as heretofore, $9,000 of it may be expected to be paid in the year 1825. The anticipations of the revenue of the year 1825 will therefore be at least eleven thousand dollars, and that sum will be considerably increased, should the expenses of this year equal those of either of the two past years. The payments into the Treasury since the first January inst. to this date, (the 13th,) amount to $4,618.38. This, with what was previously paid, satisfies the amount charged against the coun-

ties of Allen, Wayne, Union, Fayette, Franklin, Ripley, Jennings, Clark, Floyd, Spencer, Warrick, Gibson, Knox, Daviess, Martin, Sullivan, Parke, Montgomery, Marion, Morgan, Johnson, Hamilton and Shelby. Small sums only are due from the counties of Randolph, Dearborn, Switzerland, Jefferson, Harrison, Washington, Jackson, Lawrence, Orange, Crawford, Dubois, Pike, Posey, Greene, Owen, Decatur, Bartholomew, and Scott. The counties which have yet paid nothing, are Hendricks, Henry, Madison, Perry, Putnam, Rush and Vermillion.

The suit against the late treasurer, is yet undecided; having been twice continued by his affidavit.

I have the honour to be, &c.

SAMUEL MERRILL

SPECIAL MESSAGE: VACANCY FIFTH JUDICIAL CIRCUIT

INDIANAPOLIS, January 14, 1825

House Journal, 1824, p. 41

SIR—Permit me to inform you, and through you the House of Representatives, that a vacancy has occurred in the Presidency of the fifth Judicial Circuit, by the resignation of the Hon. William W. Wick.[1]

With the greatest respect,

WILLIAM HENDRICKS

REPORT OF THE COMMISSIONERS OF THE JEFFERSONVILLE OHIO FALLS CANAL COMPANY

January 18, 1825

Senate Journal, 1824, 46-48

Indiana Palladium, February 4, 1825

TO THE HONOURABLE, THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

The commissioners appointed by the last General Assembly to open a canal at the Falls of the Ohio, respectfully report—That without delay they addressed a memorial to the legislature of Ohio, a copy of which is herewith transmitted. A

1. January 17 the Assembly chose Bethuel F. Morris, then state agent, to fill the vacancy. Wick became secretary of state, 1825-1829.

communication from his Excellency the governor of Ohio has been very lately received, including a copy of certain joint resolutions of the Ohio legislature of the 25th February last, in answer to the memorial submitted to them. The legislature of Ohio express therein the deep interest which they feel for the success of the undertaking, and their willingness to participate in a work of the kind; but previously require from the legislature of this state propositions more definite in character than those laid before them, to be compared with such as they may receive from the state of Kentucky, before they decide with which state they will co-operate.

The commissioners have endeavoured to obtain correct information as to the prospects of obtaining money on loan, sufficient for the completion of the work. The accompanying documents induce a belief that the money may be had for stock, issued in the name and by the express authority of the state, irredeemable for twenty years or longer, bearing an interest of five or six per cent. payable quarterly in the city of New York or Philadelphia. The above conditions appear to be considered indispensable. It is mentioned that $103 may be expected to be received for such five per cent. stock of $100, and $116 for six per cents.

It is believed by your commissioners that some of the above conditions were not contemplated by the act authorizing this loan, and they do not, on that account, consider themselves warranted in proceeding without a further expression of the will of the General Assembly now in session. They presume not to recommend a course to be pursued by the General Assembly, in deciding on a measure of such great and general interest. The reports of engineers, Messrs. Bates and Kelly, herewith transmitted, afford the best information in their possession on the subject of the cost and profit of such a canal. They will only observe, that should the investment of money in the canal to half the amount of the cost be profitable and productive of revenue to the state when finished, or in a reasonable time thereafter, an investment to the whole amount would be much more so, without being subject to the misunderstanding often incident to partnerships; otherwise it would be but right that the states of Ohio, Pennsylvania, Virginia, and Kentucky, those most incommoded by the Falls, should, whenever it suited them, do at their own cost that which would most benefit them.

It is believed that the unexpended balance of the state road fund would be as beneficially applied towards the canal by re-appropriation, as it is at the present time, received as it probably will be in small annual payments.

A memorial was forwarded to the legislature of Pennsylvania desiring their assistance; and a letter was addressed to our representation in congress, requesting their joint exertions in obtaining a loan from the general government in favour of the canal. No answer has been received from either.

All of which is respectively submitted.

WILLIAM HENDRICKS
CHRISTOPHER HARRISON

SPECIAL MESSAGE: VACANCY OFFICE OF AGENT OF STATE

January 18, 1825

Senate Journal, 1824, 46

Indianapolis, Jan. 12, 1825

JAMES B. RAY, *Esq., Pres't pro tem. of the Senate:*

DEAR SIR—It becomes my duty, through you to inform the Senate, that a vacancy has taken place in the agency for the State at this place, by the resignation of B. F. Morris, Esq.[1]

With much respect,

Your obed't serv't.

WILLIAM HENDRICKS

SPECIAL MESSAGE: STATE BANK

January 24, 1825

Senate Journal, 1824, p. 70

TO JAMES B. RAY, *Esq., Pres't pro tem. of the Senate:*

SIR—In answer to a resolution of the Senate of the 19th present month, requesting information relative to the situation of the Vincennes Bank, I have the honour to transmit let-

1. It was the duty of this officer to sell the land in the state donation, collect the money, and superintend the state improvemens going on at the new capital. Benjamin J. Blythe was elected to succeed Bethuel F. Morris, who had been elected judge to succeed W. W. Wick, who in turn had just been chosen to succeed Robert A. New, as secretary of state.

ters from the secretary, the treasurer, and auditor of state, and the attorney general, to whom the resolution has been referred; also the letters of Charles Dewey, Esquire, formerly counsel for the state in the bank case. It is respectfully suggested that the opinion of the supreme court in that case will give the Senate more information on the subject than any other document; that opinion is not within my controul, but it can no doubt be procured.

With the greatest respect,

Your obed't serv't,

WILLIAM HENDRICKS

INVITATION TO GENERAL LAFAYETTE

January 29, 1825

Western Sun, April 16, 1825

Major General LAFAYETTE

DEAR SIR:

Permit me to enclose to you a copy of "A joint resolution of the General Assembly," and in behalf of the state to invite you to visit Indiana.

Allow me also to assure you of the high estimation in which your character and revolutionary services are held by the people of this section of the Union, and to add that no citizen of the Republic would be more gratified by your visit to the nation, than would the individual who has the honor of addressing you by your presence in the state.

It would be very gratifying to see you at this place, but if that should be considered too inconvenient we would gladly receive you at any town on the Ohio river which you may be pleased to designate.[1]

I have the honor to be, with the greatest respect,

Your obedient servant,

WILLIAM HENDRICKS

1. Governor Hendricks' letter was an official expression of the State of Indiana and for that reason is included in this collection. The resolutions of the Assembly, and the letter of General Lafayette in reply are appended. It is perhaps needless to say that the occasion of these utterances was General Lafayette's visit to this state in 1825.

Resolutions of the General Assembly

Laws of Indiana, 1825, ch. 83

The committee to whom was referred a joint resolution of the General Assembly directing them to take into consideration the propriety of the General Assembly's expressing their sentiments in reference to Major General Lafayette, respectfully report the following preamble and resolutions:

The Senate and House of Representatives of the state of Indiana, in General Assembly convened, would be deficient in respect to the feelings of their constituents and unmindful of their obligations to a distinguished benefactor did they fail to join the paean of national gratitude and unanimous welcome to Major General Lafayette on the occasion of his late arrival in the United States. It is scarcely necessary for them to say that they unanimously accord with the sentiments expressed towards their illustrious friend by the chief magistrate of the Union, and cordially add their sanction to the provision in his favour recently enacted by congress. The latter they view as the smallest return for his pre-eminent services and sacrifices the American people could make or the guest of the nation receive. It is the dignity of a spectacle unparalleled in the history of man, which they peculiarly feel and admire. Ten millions of hearts spontaneously offering the homage of their gratitude to a private individual, unsupported by rank or power, for services long past, of the purest and most exalted character, whilst they furnish consoling evidence that republics are not ungrateful, also carry with them the delightful conviction that the sons of America have not degenerated from their fathers of the Revolution.

In pausing to contemplate with appropriate feelings this sublime example of popular gratitude, united with reverence for character and principles, the General Assembly learn with peculiar satisfaction that it is the intention of General Lafayette to visit the western section of the United States. The felicity denied by a mysterious Providence to the father of his country has, it is hoped, been reserved for his adopted son. What the immortal Washington was permitted to see only through the dark vista of futurity, will be realized in the fullness of vision by his associate in arms and glory.

The General Assembly hail with inexpressible pleasure the prospect of this auspicious visit. They cannot, they are

aware, receive their benefactor in the costly abodes of magnificence and taste, nor vie with their sister states in the embellishments of a hospitality more brilliant than it is theirs to offer, but not more sincere. But they can, and do, in common with the whole American people, welcome him to a home in their hearts.

They feel persuaded that he will take a deep interest in this part of our country, which, though not the actual theatre of his generous labors, has emphatically grown out of the glorious results of his revolutionary services. On the west of the Alleghany mountains, our illustrious guest will behold extensive communities of freemen which, within the period of his own recollection, have been substituted for the trackless wilderness. Where forty years ago primeval barbarism held undisputed sway over man and nature, civilization, liberty and law wield the mild sceptre of equal rights; it is here, that our illustrious friend will find his name, his services, and, we trust, his principles flourishing in perennial verdure. Here, too, may he enjoy the exulting prospect of seeing them, in the language of a favorite son of the west, "transmitted with unabated vigor down the tide of time, to the countless millions of posterity."

In accordance with the preceding sentiments, the General Assembly adopt the following resolutions:

Resolved, That this General Assembly, in common with their fellow citizens of the state and Union, entertain the highest admiration for the character, and the most heart felt gratitude for the services, of Major General Lafayette, and most cordially approve of every testimonial of kindness and affection he has received from the people and government of the United States.

Resolved, That in the opinion of this General Assembly it would afford the highest gratification to the citizens of Indiana to receive a visit from their revered and beloved benefactor, the only surviving general of the American Revolution; and that the governor of this state be requested, without delay, to transmit to General Lafayette this, with the preceding resolution and preamble, accompanied by an invitation to visit this State, at the seat of government or such town on the Ohio river as the general may designate.

Resolved, That the governor of the state, together with such officers and citizens as may find it convenient to attend at the point selected by General Lafayette, do receive him with the honors due to the illustrious guest of the state and nation, and that the governor draw on the contingent fund for the payment of all expenses incurred in executing these resolutions.

Resolved, That the governor be requested to transmit a copy of the foregoing preamble and resolutions to the President of the United States, and to each of our senators and representatives in congress.

General Lafayette's Reply

Washington, February 20th, 1825

Western Sun, April 16, 1825

His Excellency William Hendricks, *Governor of Indiana*

Sir:

The resolutions of the General Assembly of Indiana are so very honorable and kind to me, your excellency is pleased to announce them in terms so effectionate, that I want adequate words to express my deep and lively gratitude. It is only on the soil of the state, to which I find myself so devotedly bound by the obligations imposed upon me, that I can present the tribute of my feelings and the high sense I have of the esteem and kindness of the state of Indiana in my behalf. Happy would I be to visit every part of it, but I am pressed by time, by engagements, and the necessity to be on the heights of Bunker's Hill by the 17th of June. Under these circumstances, more fully explained to your representation in congress, they have been pleased to flatter me with the hope that on my way up the Ohio a place might be assigned for me to meet my friends of the state of Indiana. I intend on leaving New Orleans on 12th April. Excuse, my dear sir, this minute detail, imposed upon me by the pressure of circumstances, and permit me once more to tell you that I am penetrated with inexpressible gratitude to the state, the General Assembly of Indiana, and the chief magistrate, whom I beg to except my sincere respects.

LaFayette

SPECIAL MESSAGE: NAVIGATION OF THE WABASH

January 31, 1825

House Journal, 1824, p. 144

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

In reply to a communication heretofore made to the Governor of Illinois, relative to the navigation of the Wabash, I have received, and herewith communicate a copy of an act of the legislature of that state, entitled "an act to incorporate the Wabash navigation company."

WILLIAM HENDRICKS

SPECIAL MESSAGE: DOCUMENTS ON THE SLAVERY QUESTION FROM THE GOVERNOR OF GEORGIA

February 4, 1825

House Journal, 1824, p. 180

INDIANAPOLIS, 3d Feb. 1825

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

I have recently received the report of a committee and a joint resolution of the legislature of Georgia, on the subject of emancipating slaves. This is communicated to you, that it may accompany other documents on the same subject already in possession of the House.

WILLIAM HENDRICKS

JOINT RESOLUTION OF THE GENERAL ASSEMBLY

Laws of Indiana, 1825, ch. 78

Resolved, by the General Assembly of the State of Indiana, That it is inexpedient to make the amendment to the constitution of the United States as proposed in the resolution of the General Assembly of the state of Georgia, adopted on the twenty-second of December, eighteen hundred and twenty three; and that this General Assembly do hereby disapprove of the same.

Resolved, That his excellency, the governor of this state, be and he is hereby requested to transmit a copy of this resolution to each of the executives of the several states in the Union, and to each of our senators and representatives in congress.

SPECIAL MESSAGE: GOVERNOR'S RESIGNATION

February 12, 1825

House Journal, 1824, p. 262

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

Permit me to inform you that I have filed in the office of the secretary of state my resignation as governor, and to assure you of the great degree of gratitude which, under all circumstances, I must ever feel for the many signal instances of confidence reposed and honor conferred by the people and the legislature of the state.[1]

I have the honor to be, with the greatest respect,

Your obedient servant,

WILLIAM HENDRICKS

1. Governor Hendricks had been elected United States Senator on January 12, to succeed Senator Waller Taylor. For an account of the election see the Biographical Sketch.

Index

Adams, Dr. Benjamin, 384.
Adams, Clay bargain, 384-385.
Adams, John, 23, 25.
Adams, John Quincy, 223.
Adjutant-general investigated, 132, 137.
Agent of state, 277.
Akers, Joseph, 465.
Alexander, Samuel, 33.
Allen, John, 15, 180.
Allen, Montgomery, 468.
Allen, Peter, 73.
Altigier, Elias, 459.
American Antiquarian Society, 71.
Anderson, Baily, 271.
Anderson, Delilah, 271.
Anderson, Isaac, 462.
Anderson, John, 462.
Andre, James, 458.
Andrew, A. P., 178, 230.
Andrews, John, 460.
Andrews, Josiah, 467.
Andrews, Leeman, 467.
"Anglo-men", 14.
Annandale, Earl of, 189.
Apportionment, 119.
Aristocracy, office holding, 17.
Arion, Copeland J. P., 164, 398, 471.
Armstrong, John, 461.
Armstrong, Walter, 185.
Armstrong, William G., 471, 510.
Assembly, first, members, 33; second, 39; third, 63; fourth, 73; fifth, 114; sixth, 164; seventh, 272; eighth, 471; ninth, 509.
Assessment, 274.
Associate judges, 13.
Aston, Richard, 37.
Attorney general recommended, 64, 73, 477.
Aurora, 37.

Backhouse, James, 180.
Badgeley, Anthony, 467.
Badollet, John, 9, 169, 232.
Baird, Patrick, 9, 33, 39, 63, 73, 114, 273, 469.
Baird, William, 463.
Banks, 35, 116, 117 (see state, Vincennes, Madison, Corydon, Vevay).
Banks, in good standing with U. S. land office, 201.
Bank of Columbia, 253.
Bank of Indiana, a U. S. depository, 194 *seq.*
Bank of Kentucky, 187.
Bank of Vincennes, 37, 221.
Bank documents, 185-215.
Bank money, 210.
Bank notes, 75, 144.
Bank politics, 185.
Bankrupt bill, 325.
Banta, David D., 39.
Banta, Henry, 467.
Baptist, 85.
Baptist preachers, 9.
Barker, William, 460.
Barnet, Zachariah, 462.
Barricklaw, John, 470.
Barron, Joseph, 57.
Bartholomew, Joseph, 14, 63, 112, 114, 164.
Barton, David, 356.
Bassett, Horace, 273, 510.
Battell, Charles I., 115, 164, 221.
Bausman, John, 461.
Beakley, H., 469.
Beam, Richard, 463.
Beard, John, 288.
Beck, Henry, 459.
Beckes, Benjamin V., 15, 164, 272, 415, 510.
Beggs, Charles, 39, 63.
Beggs, James, 33, 39, 63, 73.
Benefel (Benefield), John, 9, 164.
Bennett, Brooke, 164, 273.
Bentley, Joseph, 164, 273, 467, 470.
Benton, Thomas H., 272, 363, 402, 439.
Besse, James, 113.
Bethlehem road, 466.
Bigger, James, 307.
Biggs, William, 4.
Bixler, Jacob, 464.
Blackford, Isaac, 33, 43*, 281.
Black Hawk war, 412-416.
Blake, James, 470.
Blake, Thomas H., 14, 23, 73, 164, 272, 472, 495; report on Wabash river, 502-506.
Bloomington college, 286 (see State and Indiana).
Blythe, B. J., 111, 112, 471.
Bond, Samuel, 185.
Bond, Shadrack, 4.
Bonds, state, 215, 226, 230.

Bono, 182.
Bono road, 464.
Boon, David N., 271.
Boon, George, 145, 413.
Boon, Hiram C., 145, 147, 182.
Boon, John, 10, 33.
Boon, Jonathan, 145.
Boon, Moses, 145.
Boon, Ratliff, 22, 23, 33, 39, 58, 63, 227, 261; messages, 270-279; portrait, 270; 281, 484.
Boon, Squire, 105.
Boonville, 271.
Boonville road, 460.
Bosseron, Francis, 1, 2.
Boudinot, Elias, 125, 144, 145, 177, 178, 186, 187, 200, 201, 202.
Bound Brook, N. J., 43.
Bowers, David, 471.
Bowman, Lieut. Isaac, 96, 97.
Bowman, William, 151.
Brackenridge, Robert, 175, 177.
Bradley, William, 287.
Brady, Henry, 466.
Braman, Carter, 231.
Braman, James, 164.
Bramwell or Brumwell, William C., 467.
Brandon, Armstrong, 145*, 147, 182, 296.
Brandon, Jesse, 145*, 296.
Braxton, Jonathan, 462.
Breading, W. E., 199.
Breedlove, John, 464.
Brenton, Henry, 459, 460.
Brenton, Henry Jr., 459.
Brenton, Peter, 459.
Brewer's fort, 97.
Bright, Jesse D., 289.
British law, 483.
Britton, John, 470.
Brock, Lewis, 464.
Brookville, 9.
Brookville Branch Bank, 127, 131, 142, 172-215, 230.
Brookville road, 468.
Brown, Brazil, 458.
Brown, David, 184, 203.
Brown, John, 465.
Brown, Thomas, 509.
Brown, William, 467.
Brower, Robert, 468.
Brownlee, James, 33, 471.
Brownlee, John, 460.
Bruce, Robert, 189.
Bryson, John, 39.
Burnett, Alexander S., 273, 471.
Buckler, William, 460.
Buckner, Alexander, 85.
Bull, Thomas, 460.
Bullock, William A., 273, 471.
Buntin, Robert, 39, 61, 184.
Burke, John, 288.
Burnet, Judge Jacob, 3.
Burr, Aaron, 4, 54.
Burtch, William, 184.
Bush, John E., 273.
Buskirk, Michael, 461.
Bustard, John, 41.

Calendar, xi-xvi.
Calhoun, John C., 57.
Call, Jacob, 513.
Cambridge City, 72.
Campbell, Col. James, 110.
Campbell, James, 39.
Canadian refugees, 22.
Canals, 41.
Canal stock, subscription to, 305.
Canby, Israel T., 164, 286, 290.
Canonsburg, Pa., 27, 279.
Capital, location, 28.
Capital, new state, 109, 111-112.
Carlisle, Pa., 189.
Carr, Gen. John, 278, 288, 466.
Carr, Thomas, 33, 39.
Cary, Mrs. John N., v.
Case, John, 459.
Casey, Henry, 459.
Casey, William, 273, 459.
Cass, Lewis, 57, 59, 284.
"Castigator", article condemning Jennings, 56.
Caswell, Daniel J., 169, 232, 249.
Caucus, 19, 25.
Caucus nominations, 495-499.
Centerville, 9.
Centerville, road, 469.
Chamberlin, William B., 164.
Chambers, Samuel, 39, 63, 73, 273, 462, 472, 510.
Chancery court, 37.
Chandler, John, 331, 350.
Chapman, Elijah, 460.
Chapman, Eliza, 461.
Chapman, Elizabeth, 110.
Chapple, Samuel, 467.
Charlestown, 27, 28.
Cherokees, 419.
Chesapeake and Ohio canal, 354-355.
Chicago, 280, 415.
Chickasaws, 419.
Childs, Ezra, 273, 471.
Choctaw treaty, 418.
Cholera, 252.
Chunn, Maj. John T., 57.
Cincinnati, 2, 3.
Circuit courts, 65.
Circuit judges, election of, 53, 84.
Circulating medium, report on, 191.

Circular, Jennings to constituents, 258-262; 262-269 (see Hendricks, William).
Clark county, 27, 28.
Clark county militia, 22.
Clark, George Rogers, 1, 140.
Clark's Grant, 235, 472.
Clark's Grant, school lands, 326.
Clark, John E., 461.
Clark, Marston G., 22, 97*, 115, 164, 225, 273.
Clark, William, 472.
Clark, William D., 164, 273, 471.
Clarke, Thomas H., 470.
Clarkson, Abner, 230.
Clarksville, 9.
Clay-Adams bargain, 384-385.
Clay, Henry, 22, 37; bargain with Adams, 384; 401.
Claypool, Newton, 510.
Clendenin, John G., 273, 464, 471, 510.
Clements, Joseph D., 461.
Clinton, Gov. Dewitt, 41.
Cobb, Thomas W., 352.
Cochran, ———, Cashier Louisville Branch bank, 203.
Cody, John, 458.
Coffee Island ripple, 504.
Cole, Benjamin, 468.
Coleman, John M., 458, 470.
College, 246-247.
College townships, 245.
Collins, George, 468.
Columbus, 14.
Combs, Joel, 466.
Commercial Bank, Louisville, 187.
Commission to select capital site, 111.
Common schools, 42, 232-244.
Commutation bill, 306.
Compensation law, 294-295.
Congress, election to fill vacancy, 255.
Congress of Panama, 346.
Congressional Caucus, 25; condemned, 495-499.
Congressional districts, 1822, 23.
Congressional documents, 71.
Connecticut, resolutions from, 40, 71.
Conner, John, 33, 39, 57, 63, 112, 510.
Conner, Samuel, 33, 39, 63, 115.
Connor, William, 109*.
Connersville road, 469.
Constitution, making of, 8; nature, 10, 11, 12.
Constitutional Convention of 1816, 7-18.
Constitutional Elm, 87.
Cook, William, 469.
Corwin, Tom, 150.
Corydon, 6, 9, 28.
Corydon, Branch Bank, 126, 140, 141, 142-143; 172-215.
Cotton mill, 185.
Cotton, Nathaniel, 467.
Cotton, Ralph, 39, 52, 63, 471.
Cotton, William, 8, 73, 114, 164.
Counties in 1816, 7.
County government, 13.
County seminaries, 244, 246.
Coureurs de bois, 1.
Cox, Jeremiah, 9.
Crab, Charles, 463.
Crafts, Valentine, 464.
Craig, Daniel, 148*.
Craig, George, 273, 472, 510.
Craig, John, 463.
Craig, Merritt, S., 20.
Crane, Obadiah M., 510.
Cravens, James, 287.
Crawford county, riot, 54.
Crawford, George H., 288.
Crawford, Thomas, 115.
Crawford, William H., 195, 197, 202, 203, 204, 206, 209, 210, 211, 212, 213, 214.
Creek Indians, 344, 419.
Crenshaw, William, 466.
Cresset, New Albany, 230.
Crisler, Allen, 63, 73.
Croghan, Col. George, 31.
Crowell, Col. John, 285.
Cull, Hugh, 9.
Culley, David V., 287.
Cumberland road, 259, 293, (see National).
Currency, depreciated, 68, 76.
Cutler, Jacob, 460.
Cutts, Richard, 284.

Dalmazoo, James, 182.
Dalton, John, 464.
Daniel, Alexander M., 462.
Daniel, John, 273.
Daniel, Reuben M., 460.
Daniel, Richard, 39, 52, 63, 85*, 114, 164, 273.
Danville, Ky., 37.
Davis, John, 468.
Davis, John, (Mass.) 442.
Davis, John D., 465.
Davis, Rezin, 287.
Davis, Thomas, 468.
Davis, Timothy, 468.
Day, Laban, 459.
Deahman, John, 112, 113, 170.
Dearborn county, 185.

Debt, state, 155.
Debt U. S., 392, 416-418.
Debtors, 117.
Dedman, Elijah, 460.
Delaware Indians, 110, 271.
Delaware, laws of, 36.
Delegates to Constitutional Convention, 7, 8 *seq.*
Delphi, 188.
Democracy, Jacksonian, 12; Jeffersonian, 14-26.
Denna, Elisha, 87.
Denton, Andrew, 462.
DePauw, Charles, 9, 273.
DePauw, John, 9, 22, 23, 36, 63, 182*.
Deposits, removal of, 428.
Depreciated currency, 162.
Detroit, 109.
Devin, Alexander, 9.
Dewey, Charles, 23, 28, 44, 62, 164, 225, 292, 526.
Dieson, John, 460.
Dill, James, 9, 37, 57, 59.
District of Columbia, lottery in, 249.
Divorces, 24.
Dixon, Eli, 273, 472.
Doke, James, 461.
Dolson, Moses C., 509.
Donaghe, Hugh M., 164.
Dorsey, Azel, 462.
Doty, Jonathan, 85*.
Downey, Robert, 459.
Drake, James V., 459.
Drew, William C., 73, 114.
Dufour, John F., 131, 181*.
Dufour, John J., 181*.
Dunbar, John N., 73; protest of, 91, 164.
Dumont, John, 33, 273.
Dunlap, Dr. Livingston, 4.
Dunn, George G., 44.
Dunn, George H., 287.
Dunn, Isaac, 44, 129, 185*, 468.
Dunn, James, 458.
Dunn, Williamson, 9, 33, 39, 63, 73, 287.
Durham, Jesse B., 112.
Dutch, Pennsylvania, 9.
Dyer, Samuel, 460.

Eads, James B., 132.
Eads, Jonathan, 468.
Eads, William H., 9, 132, 175, 176, 180.
Eastburn, John, 113.
Eaton, John H., 351.
Education, 34, 42, 79, 169; report on, 232-249.
Edwards, David, 471.
Eggleston, Miles C., 85.
Election, first in Indiana, 2; 4, 12, 13; of president, 14, 16, 41; of U. S. senators, 41; of U. S. representatives, 41; of president, 1820, 114; 1817, 295.
Election contest, 53.
Election laws, 275.
Election returns, 1822, 24.
Electioneering, 18, 19, 20, 27, 28, 31, 154, 283-294; (see Jennings and Hendricks political circulars).
Electoral votes of Indiana, 1817, 295-296.
Electors, presidential, selection of, 72, 295; popular election of, 479.
Elk Hart, 393.
Elliott, Lucy M., v.
Elrod, William, 462.
Embargo, 408.
Emerson, Thomas, 112.
Emmerson, Jesse, 459.
Emmerson, Samuel, 458.
Enabling act, 6, 8.
Erwin, William, 510.
Espy, Hugh, 37.
Evansville, 85, 271.
Evansville road, 458.
Evans, Robert M., 73; protest of, 93, 271, 464, 471.
Everts, Gustavus A., 288.
Everts, Sylvanus, 273, 471.
Ewing, George, 184.
Ewing, John, 73.
Ewing, John, of Perry, 115.
Ewing, Nathaniel, 27, 150*, 232.
Expunging resolution, 448-451.
Extra session, Assembly, 113.
Extradition of criminals from Kentucky, 98-109.

Fall Creek murders, 512.
Fallen Timbers, 5.
Falls pilot, 54.
Falls of Ohio canal, 41, 305.
Farmers and Mechanics' Bank, 38.
Farmers and Mechanics Bank, Lawrenceburg, 184, 189.
Farmers and Mechanics' Bank, Madison, 185, 189.
Farnham, John H., 252*.
Farrington, James, 510.
Fasting and prayer, day for ordered, 251; proclamation, 255.
Faux, W., 85.
Fayette county, Pa., 27.
Federal banks, 87.
Federalists, 3, 14, 15

Ferguson, Benjamin, 33, 39, 466.
Ferguson, Washington, 467.
Ferguson, Zachariah, 63, 469.
Ferries, 96, 97, 140.
Ferris, Ezra, 9, 16, 23, 33, 39, 63, 115, 164, 185.
Financial conditions in Indiana, 152-163, 182.
Finch, Judge, 110.
Findlay, William, 90, 336.
Finley, Abel, 16.
Fisher, Dr. George, 4.
Fisher, Nathan, 461.
Fishli, John, 151.
Flaget, Bishop, 57.
Flatboatmen, 224.
Flemers, John, 466.
Fleming, D. J. P., 470.
Flemings, Peter, 469.
Fletcher, Calvin, 287.
Florida, 325.
Floyd, Davis, 4, 9, 16, 23, 33, 54*, 145, 182.
Ford, Gabriel, 43.
Ford, Lemuel, 415.
Fort Gratiot, 280, 306.
Fort Wayne, 80, 283.
Fortune, Will, 271.
Fossett, Robert, 468.
Foster, Amaza D., 458.
Foster, Joshua, 470.
Foster, Samuel M., v.
Fowler, William, 287.
Frankfort, Ky., 48.
Franklin county, 9.
Franklin, William, servant of Blackford, 45.
Fredonia, 462.
Freeland, Aaron, 460.
Freeland, Benjamin, 465.
Freelow, Aaron, 461.
Freeman, Absalom, 462.
French, Henry, 458.
French Lick, 67, 77.
French settlers, politics of, 1.
French spoliation, 436.
Frontier defense, 29, 31, 413.
Fugitives from justice, 223, 455.
Fugitive slaves, 47, 474.
Fulfer, John, 461.
Fuller, William, 465.

Gallatin, Albert, 9.
Gallion, Nathan D., 175*, 176, 180.
Gambling, 189.
Gard, William, 509.
Garey, Daniel M., 459.
General Assembly, 12, 13, 24.
George, a slave, 36.
Georgetown, 254.
Georgia Indian question, 411.
Georgia, resolutions of, 530.
Gibault, Pierre, 1.
Gibson, Joseph, 114.
Gilliland, John, 112, 182, 468.
Gilliland, Thomas, 181.
Given, Thomas, 510.
Glover, Joseph, 273.
Goudie, Samuel, 468.
Government, principles of, 81-84.
Governor's dwelling at Corydon, 138.
Gowdie, James, 63, 115.
Golay, Elisha, 181.
Goodlet, James R. E., 85.
Gordon, William, 468.
Gorman, Daniel, 466.
Graduation bill, 395-398.
Graduation of public lands, 265, 345-365, 395-398.
Graham, John K., 10, 33, 509.
Graham, William, 33, 39, 63, 73, 115, 164, 273, 472, 510.
Grand Rapids, 446, 473, 504.
Grass, Daniel, 9, 33, 39, 73, 115, 271, 273, 472, 510.
Gray, John, 114, 164, 462, 510.
Gray, John, 73, 273, 472.
Gray, Robert, 151.
Green, Henry, 115, 164, 273.
Green, John W., 466.
Greenville, 61.
Gregg, Israel, 253.
Gregory, James, 114, 164, 284, 472, 498, 510.
Grover, Jeremiah, 286, 467.
Grover, Nicholas D., 291.
Guard, David, 185.
Gwathmey, Samuel, 151, 253.

Hackley, Capt. J., 57.
Hall, John, 458.
Hamilton county, 109.
Hamilton, John M., 470.
Hammon, Elijah, 460.
Handbill, 290.
Handy, Henry S., 290.
Hanging Rock, 271.
Hanging Rock ripple, 504.
Hanna, Joseph, 115.
Hanna, Robert, 9, 230, 287, 292.
Hannegan, Edward, 288.
"Hard times", 76.
Hargrove, Capt. William, 31.
Harlan, Joshua, 15.
Harmar, Josiah, 5.
Harris, Daniel, 570.
Harris, James, 465.
Harrison, Christopher, 16; difficulty with Governor Jennings, 55-63; letter to, 56; resignation, 62, 476, 523.

Harrison, Elisha, 63, 73, 114, 164, 273, 472.
Harrison, William Henry, 2, 3, 4, 5, 22, 30, 36, 37, 43, 44, 54, 110, 283.
Harrison county, 9.
Harrison county, indictment for kidnapping negro, 104.
Harrison county grand jury, 99.
Hart, David, 85*, 232.
Hart, David, of Knox, 169.
Hart, Newton, 467.
Harvard university, 252.
Hay, Andrew P., 73, 115.
Hay, Anna, 27.
Hay, John, 252.
Hay, John D., 184.
Hayne, Robert Y., 401.
Haynes, James, 465.
Hedges, Phillip, 460.
Henderson, John, 461.
Hendricks, John Abram, 282.
Hendricks, Thomas, 282, 287, 471, 509.
Hendricks, Thomas A., 44.
Hendricks, William, 14, 16, 17, 18, 19, 21, 44, 118, 204, 252, 255; biography, 279-282; messages, 282-535; letters to Tipton, 283-289; to Noah Noble, 290-294; addresses, 294-451; political circulars, 296-305; 305-310; 324-329; 339-348; 391-395; 407-412; 416-423; 433-439; Missouri bill, 310-324.
Herrington, Peter, 460.
Heth, Harvey, 105.
Heth, Henry W., 105*.
Heth, Richard M., 105.
Hiatt, Eleazer, 510.
Hickman, Jesse, 465.
Hill, Isaac, 444.
Hill, Joseph, 462.
Hill, Rees, 90.
Hill, Robert, 39, 73, 273, 471.
Hillis, David, 287, 289, 292, 471, 509.
Historical Commission, members, v.
Hogan, Edmund, 33.
Holliday, Abraham, 465.
Hollinbeck, John, 466.
Holman, Jesse L., 14, 16, 18, 22, 36, 37*, 72, 287, 483.
Holman, Joseph, 9, 33, 39, 52, 73, 115.
Holmes, Josiah L., 458.
Holmes, L., 458.
Holpkins, William, 460.
Holsapple, George, 464.
Holton, Alexander, 16.
Holy Alliance, 346.
Hoover, Henry, 510.
Horse Shoe Bend road, 462.
Hospital at New Orleans, 224.
Howard, John B., 464.
Howk, Isaac, 273.
Hudson, James, 512.
Hulick, Powell, 468.
Hurst, Benjamin, 510.
Hurst, Henry, 36, 104.
Hunt, George, 112.
Hunt, Nathaniel, 9, 39, 63, 273.
Hunter, John, 470.
Hunterdon county, Pa., 27.
Huston, Alexander, 471, 509.

Illinois canal bill, 330.
Illinois, resolutions from, 72, 474.
Indian affairs, 404-407.
Indian agent, 283.
Indian titles, 80, 308.
Indian trade, 4.
Indiana, northern boundary, 429-433.
Indiana canals, 329-339.
Indiana Gazette, Corydon, 296.
Indiana Herald, Corydon, 21, 296.
Indiana Historical Commission, v.
Indiana Republican, Madison, 296, 398.
Indiana territory, division of, 30.
Indianapolis, 110, 261.
Indians, treaty with at St. Mary, 55-63; removal, 419.
Instruction, right of, 25.
Internal improvements, 66, 266, 340, 350, 354, 382, 417.
Irish, 9.
Irons, Thomas, 461, 462.
Irwin, Benjamin, 471, 510.

Jackson, Andrew, 37, 391, 444, 448.
Jackson, Ezekiel, 273, 510.
Jackson, Jesse, 510.
Jackson, John, 288.
Jacksonian party, 272, 287, 391, 444.
Jacobs, John, 180*.
Jamison, Adam, 462.
James, John, 458.
James, Pinckney, 273.
Jean, William, 464.
Jefferson, Thomas, 14.
Jeffersonian Democracy, 14-26.
Jeffersonville, 9, 16, 27, 37, 140.
Jeffersonville *Indianian*, 55.
Jeffersonville-Louisville ferry, 96-98, 140.
Jeffersonville, Ohio Canal Co., 67, 77, 116, 151, 221, 252, 280, 516, 523, 525.

Jeffersonville prison, 225.
Jeffersonville road, 466.
Jelly, Samuel, 73, 471.
Jenckes, John, 273.
Jennings, Rev. Jacob, 27.
Jennings, Lieut. Jesse, 27.
Jennings, Jonathan, 6, 8, 14, 15, 16, 17, 18, 22, 23, 25, 27-28*; messages, 29-269; political circular, 29; 36, 43; letter to governor of Kentucky, 49-50; at Treaty of St. Mary's, 55-63; circular, 258-262; 500-501.
Jennings, Jonathan, of Kentucky, 27.
Jinkinson, Henry, 176.
John, Enoch D., 73, 115, 175, 176, 180.
John, Isaac, 132.
John, Jehu, 132.
John, Robert, 132*, 175, 176, 177, 180*.
Johnson, Alexander, 458.
Johnson, Benjamin, 470.
Johnson, John, 461.
Johnson, John, of Pike, 63, 164, 471, 510.
Johnson, John, 4, 33, 36*, 43, 57.
Johnson, Joseph, 462.
Johnson, Kelly, 460.
Johnson, Reddick, 287.
Johnson, Col. R. M., 283.
Johnston, Gen. Homer, 285.
Johnston, David, 460.
Johnston, General W., 20, 36, 63, 84*, 164, 272.
Johnston, Lewis, 63, 275, 472, 499, 510.
Jones, John Rice, 4, 9, 36.
Jones, Levi M., 469, 470.
Jones, William, 471.
Jordan, John, 273.
Joy, James, 459.
Judah, Samuel, 444.
Judges, territorial, 2, 130; state, 36.
Judiciary, 34.
Jury trial, 40.
Justices, 34.

Kaskaskia, 1.
Kendall, Amos, confirmation of, 398-399.
Kennedy, Robert, 471.
Kentucky, debt, 157.
Kentucky, fugitive slaves from, 42.
Kentucky kidnappers, 98, 134, 456.
Kercheval, ———, 284.
Keyh, Hugh, 464.
Kidnappers, 4, 35; Kentucky, 98, 456.
Kilgore, Simpson, 462.
Kilpatrick, John, 460.
Kimball, Nathan, 466.
Kimberly, Zenas, 164.
Kinnard, George L., 288.
Kirkpatrick, James, 147*, 183.
Kirkpatrick, Moses, 164.
Knox county, 1, 3.
Kurtz, Charles F., 181.

Lacy, Elijah, 469.
Ladd, Christian, 461.
Lagow, Wilson, 184.
Lafayette, 9, 527-529.
Lake of the Woods, 432.
Lamb, Isaac, 465.
Land grants for education, resolutions, 217.
Land office, 411.
Lancasterian school system, lottery for, 250.
Lane, Amos, 16, 33, 39, 164, 185, 288.
Lane, Daniel C., 9, 16, 45, 71, 87*, 145, 147, 149, 150, 231-233, 491-493.
Lane, Joseph, 273.
Langston, Daniel, 510.
Lanier, J. F. D., 28.
Laporte, 288.
Law, John, 232*, 471.
Law Library, state, 36.
Lawrenceburg, 9, 28, 37.
Lawrenceburg bank, 128, 184.
Lawrenceburg road, 468.
Leavenworth, Seth M., 462.
Leaverton, James, 460, 461.
Legras, J. M. P., 1.
Lemon, James, 9, 97.
Lemon, John M., 466.
Lewis, Abraham, 470.
Lewis, James, 470.
Lexington, Ky., 37, 85.
Ligonier, Pa., 279.
Lilly, William H., 16, 70, 123.
Lindley, Harlow, v.
Lindley, Jonathan, 15, 33.
Lindley, Samuel, 73.
Lindley, Thomas, 465.
Lindley, William, 465.
Linthicum, ———, a criminal, 113.
Lindsey, John, 164.
Liquor question, 2.
Littell, William D., 39.
Little, Alexander, 33, 39, 52, 73, 122.
Little Rock ripple, 504.
Loan, state, 489-491; 493-495.
Lockheart, Levi V., 461.
Lomax, Abel, 471, 510.
Long, Elisha, 469.

Long, Joel, 288.
Lodge, James, 293, 296.
Lodge, John, 398.
Logansport, 183.
Lotteries, 249-251.
Louisiana, purchase treaty, 312 *seq.*
Louisville-Portland canal, 342, 418.
Lovett, Thomas, 459.
Lowe, William, 9.
Lucas, Joshua H., 273.
Ludlow, Stephen, 112, 185, 468.
Lunenburg Co., Va., 97.
Lynn, Dan, 9, 33, 39, 73, 459.
Lyon, Jonathan, 463.
Lyon, Lucius, 439.

McBean, Gillis, 296.
McCall, James B., 471.
McCleery, William, 273.
McCallen, H., 463.
McCartney, Thomas, 470.
McCarty, Ben., 288.
McCarty, Enoch, 9.
McCarty, Jonathan, 63.
McCaslin, John, 466.
McClure, Archibald, 458.
McClure, John, 458.
McClure, John, 39.
McClure, William, 287.
McCord, John, 460.
McCormick, William, 460.
McCrary, John, 509.
McCray, Gov. Warren T., v.
McCune, James, 459.
McDonald, Col. George, 44.
McDonald, John, 465.
McDonald, John, 115.
McDonald's Ferry road, 466.
McElroy, John, 189.
McElwain, James, 461.
McFarland, William, 279.
McFetridge, Daniel, 459.
McGary, Hugh, 271.
McGiffin, John, 199.
McIntire, Thomas, 468.
McIntosh, Gen. (Indian), 344.
McIntosh, William, 4.
McIntyre, Robert, 509.
McLane, William, 469.
McMahan, William, 509.
McKinney, Thomas L., 284.
McNamee, Elias, 184, 199.
McNeely, William, 464.
McNitt, Esther U., v.
McPheeters, Hugh, 464.
Maddox, John W., 73; protest of, 96.
Madison, 9.
Madison, James, 8; authorizes lottery, 250.
Madison bank, 185, 189.
Madison road, 467.
Mails, Charles, 458.
Mail, to Ind. Ter., 31.
Malin, Joseph, 467.
Mann, Josiah, 510.
Manwaring, Solomon, 9.
Marcy, W. L., 401.
Markle, Abram, 465.
Marrs, Samuel, 464.
Marshall, Humphrey, 4.
Marshall, Judge John, 381.
Marshall, William, 273, 471.
Martin, Huston, 468.
Martin, Samuel, 464.
Martin, William W., 169, 232.
Masonry, 84, 85, 97, 230.
Massachusetts, resolutions from, 71.
Mattock, Thomas I., 462.
Mattox, John, 461.
Mattox, William, 461.
Mauk, Peter, 273.
Mauk's Ferry road, 463.
Maxwell, David H., 9, 23, 164, 471, 491, 510.
Maxy, V., 218.
Mays, Elijah, 458.
Meek, Alexander, 72, 84*.
Meigs, Josiah, 216.
Merrill, Joseph, 145, 147, 183.
Merrill, Samuel, 73, 115, 134, 164, 485*, 487, 488, 491, 493, 523.
Messages, regular, 32-35; 38-43; 63-69; 73-81; 114-120; 164-171; 272-278; 471-479; 509-520.
Methodist preacher, 9.
Mexico, 329.
Miamis, 404-407.
Miami reservation, 292.
Michigan, admission of, 439-444; memorial, 441-444.
Michigan City, 432, 438.
Michigan-Ohio boundary line, 429-433.
Milbourn, John, 472.
Militia, 5, 39; exemption from, 78, 133, 137, 169-170, 283.
Milled, William, 467.
Miller, John, 164.
Miller, Levi, 185.
Millport, 182.
Millspaugh, P. B., 468.
Mills, Henry I., 33.
Milroy, John, 164, 188*, 464.
Milroy, Samuel, 33, 36, 52, 58, 60, 61, 62, 63, 73, 115, 164, 187 *seq.*, 188*, 227, 251, 444, 472, 510.
Mingo Indians, 512.
Misner, Henry, 469.
Mississinewa battle, 110, 129.

Mississippi, resolutions from, 71.
Missouri Bill, 310-324.
Missouri Compromise, 90-91.
Mobile, Ala., 72.
Moffitt, Solomon, 466.
Molder, Jacob, 273.
Monroe county, 9.
Monroe doctrine, 346.
Monroe, James, 14, 20; authorizes lottery, 250.
Montgomery, Isaac, 39, 63, 73, 460, 472, 510.
Montgomeryville, 280.
Mont Clair, 150.
Moor, Samuel, 452.
Moor, Samuel B., 464.
Moran, Thomas F., v.
Morerod, John D., 182.
Morgan, Isaac, 73, 185.
Moore, Harbin, 139, 290.
Morris, Bethuel F., 277, 523, 525.
Morris, Morris or Maurice, 465.
Morrison, Alexander F., 288.
Mount, David, 33, 468.
Moyes, Elisha, 458.
Munson, Orin, 467.
Murdock, George L., 33, 164, 472.
Murray, Reuben H., 151, 466.
National debt, 327.
National Intelligencer, 59.
National road, 72, 96, 258, 326, 341, 350-354, 391, 411, 438, 516 (see Cumberland).
Navigation of the Wabash, 444-448; 502-506.
Neely, John F., 458.
Negroes, kidnapped, 98.
Nelson, Reuben W., 230*, 231, 232, 280, 296, 471, 510.
Nelson, William, 459.
New, Robert A., 16, 17, 38, 58, 106, 113, 255, 456.
New Albany, 10.
New Albany and Vincennes road, 465.
New Albany-Vincennes post road, 418.
Newburyport, 432.
Newell, Robert, 288.
New Harmony, 9.
New Hampshire, resolutions, 71.
New Jersey, resolutions from, 40, 71.
New Orleans, hospital, 224.
Newton, George, 465.
New York, resolutions from, 71.
Nichol, Lawrence, 468.
Nicholson, William, 463.
Nigley, David, 458.
Niles, John B., 44.
Noble, James, 9, 14, 16, 17, 18, 19, 33, 37, 57, 72, 90, 118, 175*, 176, 180, 280, 292, 492.
Noble, Lazarus, 185.
Noble, Noah, 175, 176, 180, 288, 414, 510.
Noblesville, 109.
Northwest territory, 310, 432.
Norvell, John, 439.
Note shaving, 68.
Nuckerson, David, 458.
Nullification, 408.

O'Bannon, Lew M., v.
Ogden, Capt., 293.
Ogden, Joseph, 466.
Ohio-Michigan boundary line, 429-433.
Ohio, resolutions from, 71.
Oliver, David, 472, 510.
Onis, Chevalier de, 308.
Oregon country, 393.
Ordinance of 1787, 2, 3, 7, 8, 11, 440.
Osborn, John, 458.
Osborn, Richard, 461.
Overman, Ephraim, 33.
Owens, John, 458.
Palmer, Henry D., 273, 471.
Palmer, Nathan B., 287, 291, 509.
Panama, Congress of, 346.
Paper money, 116, 161.
Parke, Benjamin, 4, 8, 9, 17, 27, 36, 37, 43, 52, 57, 59, 143, 149, 169, 276, 480, 483.
Parker, J., 467.
Parsons, Benjamin, 469.
Parsons, John, 468.
Patronage, executive, 434.
Patterson, Arthur, 184.
Patterson, Robert, 470.
Paul, John, 33, 39, 63, 110.
Paxton, James, 471.
Paygn, Thomas, 461.
Payne, John W., 455*, 491.
Pea Ridge, 282.
Peck, Judge James H., 416.
Peggs, James, 469.
Peggy, 36.
Penal code, 39.
Pence, George, 255.
Penitentiary, 170, 227 (see state prison).
Penix, John, 15.
Pennington, Dennis, 9, 22, 33, 39, 63, 73, 90, 145*, 147, 182, 273, 384, 471, 510.
Pennsylvania, resolutions from, 71.
Penny, William, 464.
Pepper, Abel, 286, 510.

Perrin, John, 469.
Perry county, 9.
Petersburg road, 459.
Peyton, Capt. Craven, 31.
Phillips, Frederick, 464.
Pierce, Pres. Franklin, 44.
Pigeon Roost Massacre, 189.
Pike county, Mo., 272.
Pittsburg, 27.
Plasket, William, 466.
Polish exiles, 424.
Politics, territorial, 1-14; Jeffersonian Democracy, 14-26.
Polke, Charles, 9.
Polke, William, 9, 23, 33, 39, 63, 73, 114, 473.
Porter, Gov. Albert G., 129.
Porter, John R., 513.
Porter, Thomas, 129*.
Posey, Col. Thomas, 143*, 144, 145, 147, 148, 149, 222, 231, 462, 510.
Posey, Gov. Thomas, 15, 16, 21, 23, 28, 280, 303.
Posey county, 9.
Posey county, election contest, 53.
Potawatomies, treaty with, 57.
Potawatomie Indians, 393, 406, 411.
Postage for state officers, 222.
Post office department organized, 437.
Post roads, 307, 411.
Powell, Erasmus, 23, 33, 63, 115, 164.
Prairie creek, 505.
Prather, John, 151.
Prayer, public, day for fixed, 250; proclamation, 255.
Pre-emption, public lands, 31, 264, 411.
Prentiss, James, 462.
President of U. S. authorizes lottery, 249.
Presidential election, 264.
Prince, William, 23, 33, 54*, 57, 59, 164, 513.
Princeton, Ind., 85.
Princeton college, 43, 85.
Prior, Abner, 2.
Pro, Christian, 465.
Prow, John, 464.
Proffit, George H., 288.
Puckett, Isham, 470.
Public lands, 30, 118, 263; state title to, 356-384; 386-391, 392, 407, 410, 421.

Quakers, 6.
Quakers, 8, 9.
Quebec, 1.
Queenston, battle of, 31.

Rabb, Kate Milner, v.
Raisin, battle at, 31.
Ramsay's ripple, 504.
Randolph, Thomas, 27.
Rangers, 29, 31; pay of, 301, 413-416.
Ranny, Stephen, adjutant general, 133, 151, 225.
Rapp, Frederick, 9, 12; loan from, to state, 490.
Rariden, James, 472, 498, 510.
Ray, James Brown, 44, 72, 164, 273, 284, 290, 472, 499, 510.
Raymond, David, 17, 53.
Raymond, Orlando, 253, 466.
Read, Samuel, 461.
Read, Thomas, 461.
Rece's Lick, 121, 122.
Reddick, Seth, 461.
Reddick, Solomon, 466.
Reed, Andrew, 468.
Reed, Franklin, 287.
Reed, James G., 164, 472.
Relief law, U. S., 345, 421.
Replevin laws, 76, 156.
"Republican", 7.
Republicans, 3, 12.
Republics, 347.
Revenues, 35, 74.
Revision of statutes, 34; *Rice Jones Revision*, 36; 38, 119, 169, 276, 480-484, 507.
Revolutionary pensions, 307.
Reward for criminal, 112.
Richards, William, 464.
Richardson, James H., 510.
Richey, John, 510.
Richmond, 9.
Riley, Ezekiel S., 471.
Riot in Crawford county, 54.
Rising Sun, 14.
Rising Sun road, 470.
Roads, 79; map of, 457.
Robb, David, 9, 115, 510.
Robb, James, 459.
Roberdieu, Col., 285.
Roberts, Jonathan, 90.
Robertson, Amos, 472, 510.
Roby, Absalom, 461.
Rockbridge county, 27.
Rock Lick, 87, 122.
Rockport, 271.
Rockport road, 461.
Rodman, William, 463.
Rollins, Jesse, 470.
Roseberry, Thomas, Jr., 467.
Ross, Even, 461.
Ross, John F., 73, 115, 384.
Roup, John, 287.

Rout, William H., 272.
Royster, Stanhope, 469.
Ruggles, John, 444.

St. Charles, Mo., 72.
St. Clair, Gov. Arthur, 2, 3, 5.
St. Clair, Arthur, Jr., 84.
St. Joseph, treaty, 393.
St. Mary's treaty, 55-63, 61, 110.
Salaries, 21, 100-108; Indiana, 158; reduction of, 488.
Salem, 97.
Salem, N. J., 72.
Salt spring, 65.
Salor, Conrad, 73.
Sandusky, 31.
Sanford, William, 467.
Sargent, Winthrop, 1, 2.
Schnee, John, 459, 472.
Schott, Moses, 185.
School lands, 263.
Scott, Judge James, 9, 14, 18, 36, 37*, 483.
Scott, James, 469.
Scott, John, 33, 39.
Scott, Lucius H., 273.
Scott, Samuel T., 199.
Scott, William, 469.
Scoville, Linus, 273.
Scribner, Joel, 465.
Scribners, 10.
Seals, James, 462.
Searle, Thomas C., 169, 232.
Second Bank of U. S., 68.
Secretary of State investigated, 132.
Seminaries, county, 79.
Seminary funds, 476.
Seminary land, 78.
Seneca Indians, 512.
Sering, John, 185*, 289, 291.
Servant law, 4.
Settee-Down, 271.
Seward, William, 469.
Shank, John, 469.
Shelby, Evan, 466.
Shelby, Joseph, 164.
Sheriff, tax collector, 64.
Shields, Patrick, 9.
Shirk, Samuel, 468.
Shintaffer, Philip, 460.
Shoemaker, Daniel, 464.
Sholtz, Frederick, 164, 273, 301, 472.
Shriver, Col. James, 352.
Sickness, 1822, 274.
Sids, John, 458.
Siebenthal, John F., 182.
Sinking fund, 160.
Sinks, Charles, 460.
Site for state capital, 109.
Skeen, William, 287.
Slaughter, Gov. Gabriel, of Kentucky, 47; letter to Jennings, 48-49; 100, 102-104.
Slaughter, James B., 39, 63, 114, 164, 273, 384, 472.
Slavery, 3, 5, 8, 10.
Slavery in Indiana, 319.
Slaves, 2; fugitive, 42, 134.
Slawson, Simeon, 467.
Small, John, Sheriff, 1, 2, 3.
Smith, Charles, 199.
Smith, Daniel, 460.
Smith, Jacob, 464.
Smith, James, 459.
Smith, James, 9.
Smith, John, 469.
Smith, O. H., 14, 18, 20, 37, 44, 272, 273, 289.
Smock, Samuel, 9.
Snowden, James, 39, 52.
Snyder, Adam, 460, 461.
Somerville, N. J., 85.
South American republics, 308, 346.
South Carolina and Nullification, 408.
South Sea, 393.
Spanish affairs, 308-310.
Spann, John, 467.
Sparks, Elijah, 28.
Specie payments, suspended, 77.
Sprague, Peleg, 405.
Springdale cemetery, 282.
Springfield murder, 508.
Springfield road, 459.
Springville, 466.
Stafford, Benjamin, 460.
Stanley, Jesse, 463.
Stapp, Milton, 273, 472, 510.
State Bank, 77, 87-90, 117, 124-132; 140-151; 172-215; defaulted, 209, 213-214; bonds, 226, 227, 252, 500-501.
State bonds assigned to U. S., 165, 215.
State capital selected, 109.
State debt, 165, 227, 474.
State library, 42.
State loan, 489-491; 493-495.
State prison, completed, 151, 225, 479; farmed out, 508.
State roads, map, 457.
State seal, 54.
State title to public lands, 356-384; 386-391.
State University, 169.
Stay law, public lands, 29, 153.
Steamboats on Wabash, 333.

Steam Mill Co. (Vincennes), 143, 144, 145, 146, 150, 166, 173, 174, 177, 180, 183.
Stephens, Robert, 100, 101, 134.
Sterns, Isaac, 462.
Stevens, Stephen C., 39, 44, 131, 471, 509.
Stewart, A. W., 467, 468.
Stewart, Robert R., 464.
Stickney, B. F., 57.
Stiggleman, Philip, 469.
Stinson, Samuel, 469.
Stormont, Robert, 458.
Stout, Elihu, 296.
Sturgis, Robert, 115.
Sullivan, George R. C., 16, 39, 57, 63, 115, 201, 458.
Sullivan, Jeremiah, 73, 115, 289.
Summer, M. E., letter on freeing slaves, 52.
Supreme court, nominations for, 36.
Surveys for canals, 341.
Susan, a negro kidnapped at Corydon, 135. see 184
Sutherland, John, 63, 73, 469.
Swaine, Thomas, 115.
Swanson, Jehoyda, 464.
Switzerland county, 423.

Tadlock, Elisha, 471, 510.
Talbott, R. C., 467.
Tannehill, Zachariah, 291.
Tariff, 267, 343, 400-404, 407.
Taxation, 13, 64, 154, 160; U. S., 343.
Tax collectors, 477.
Taylor, John W., 296.
Taylor, Josiah, 37.
Taylor, Waller, 7, 14, 18; censured for vote on Missouri Compromise, 37, 57, 90, 97, 280, 300.
Taylor, Gen. Zachary, 283.
Terre Haute, 14.
Terre Haute road, 470.
Territorial politics, 1-14.
Test, John, 15, 17, 180.
Test, John, 23, 53; resigned from circuit bench, 72*, [illegible] 85
Thames, battle of, 31.
Thom, Allen D., 16, 279.
Thomas, Jesse B., 4, 90.
Thomasson, Joel D., 121.
Thomasson, William P., 63, 73.
Thompson, James, 100, 101.
Thompson, John H., 63, 73, 164, 273, 384, 472, 496, 497, 510.
Thornton, Henry P., 85.
Three per cent fund, 67, 160, 216, 326.
Tippecanoe, 9, 54, 307.
Tippecanoe, horses lost, 30, 97.
Tipton, John, 28, 37; sent to Kentucky for criminals, 99; report on capital site, 111, 112, 115, 145, 147, 164, 182, 183; letters from Hendricks, 283-289; 412, 444, 463.
Todd, Col. John, 1.
Todd, John, 169, 232.
Tomlinson, Samuel, 184.
Tompkins, Daniel D., 14.
Toncray, Silas T., 168.
Toucey, Myra, 129.
Township government, 13.
Trail creek, 432.
Transylvania Land Co., 85.
Treasurer of State, report 1817, 45; 1818, 69-71; 1819, 86-87; 1820, 120-123; 1821, 171-172; 1822, 228-232; 1823, 256-258; 1824, 484-495; 1825, 521-523.
Treasury notes, 154, 168, 475.
Treaty of St. Mary's, 55-63.
Triumvirate, Hoosier, 17, 18.
Trueblood, Nathan, 464.
Turner, William, 57.
Twilley, William P., 466.
Two per cent fund, 352.
Tyler, John, 351.

United States Bank, 217.
United States bank, recharter, 422; memorials from Vevay, 423-429.
University, 246-249.

Vallonia, 112, 466.
Van Buren, Martin, 18, 44, 288.
Vance, S. C., 23.
VanderBurgh, Henry, 2, 3.
Vanderburgh county, 271.
Vandiver, Thomas, 164.
Vandyke, Peter, 468.
Vattel, on sovereignty, 380.
Vawter, John, 16, 467.
Ventrees, Emanuel, 460.
Ventrees, Samuel, 460.
Vermillion river, 57.
Vermont, resolutions from, 71.
Vest, Samuel, 464.
Vest, William, 464.
"Vesuvius", 19; on caucus, 303.
Vevay, 8.
Vevay Branch bank, 44, 126, 130, 172-215.
Vevay road, 467.
Vickery, Daniel, 458.
Vigus, Jordan, 183*.
Vincennes, 1, 2, 9, 16, 27, 28, 31, 36, 43, 44.

Vincennes bank, (see Bank of Vincennes) statement, 125.
Vincennes University, 27.
Virginia, 87.
Voiles, George W., 468.

Wabash river improvement, 277; navigation, 444-448, 473, 502-506, 530.
Wabash and Erie canal, 329-339, 341, 349-350.
Wabash treaty, 1826, 405.
Walker, John, 468, 509.
Wallace, Alexander, 164, 510.
Wallace, William, 510.
Waller, John, 459.
War of 1812, 31.
Warner, Joseph, 73.
Warrick county, 9.
Washington, D. C., lottery in, 249.
Washington road, 460.
Wason, James, 458.
Watkins, Tobias, 399.
Watts, John, 57, 63, 85*.
Way, John, 470.
Wayne, Anthony, 5.
Wayne county, 8.
Ways and Means, 119, 507.
Weas, treaty with, 57.
Weaver, George, 185.
Weaver, Isaac, 90.
Weaver, John, 185.
Weathers, Col. John, 98.
Webster, Daniel, 395.
Welsh, James, 169, 232.
Welsh, John, 458.
Welton, James, 458.
Wesener, Washington, 509.
West Florida, 325.
West Fork, 109.
Western Eagle, Lexington, 279.
Western Sun, 7.
Westover, Ira, 513.
Wheeler, Elias, 458.
Wheeling, 72, 391.
Whitcomb, James, 13.
White, George, 96, 140.
White river, 109.
White River ripple, 504.
White River Steamboat Co., 182.
Whitewater, 6.
Whitewater canal, 342.
Whitlock, Capt. Ambrose, 31, 301.
Wick, W. W., 150*, 523.
Wiley, Moses, 7.
Wilkins, William, 400.
Wilkinson, Joshua, 467.
Williams, ———, a criminal, 113.
Williams, Vincent, 471.
Willets, Elias, 470.
Willson, Thomas, 464.
Wilson, James, 465.
Wilson, Joshua, 145*, 146, 147, 182.
Wilson, Samuel, 465.
Wilson, Walter, 16, 33, 287.
Winchester road, 470.
Wines, J. W., 461.
Winscot, Thomas, 468.
Wolf scalps, 69, 87, 172, 486, 521.
Wood, Zedekiah, 462.
Woodburn, James A., v.
Woodruff, Joab, 287.
Woodruff, Seth, 464.
Woollen, Evans, v.
Worth, Daniel, 510.
Wright, John, 273, 471.
Wright, Joseph A., 13.
Wright, Noah, 164, 273.
Wright, William, 461.
Wylie, Dr. Andrew, 150.

Yandes, Simon, 115.
Young, Jesse, 100, 101.

Zanesville, O., 261, 391.
Zenor, Jacob, 33, 39, 73, 115.
Zenor, John, 471.
Zevault, George W., 460.